MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF MAY 22, 2009

(Published May 30, 2009, in Finance and Commerce)

Council Chamber 350 South 5th Street Minneapolis, Minnesota

May 22, 2009 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, President Johnson.

Glidden moved to amend the agenda to include a Resolution honoring Central Weed & Seed. Seconded.

Adopted upon a voice vote.

Lilligren moved adoption of the agenda, as amended. Seconded.

Adopted upon a voice vote 5/22/2009.

Lilligren moved acceptance of the minutes of the regular meeting and the adjourned session of May 8, 2009. Seconded.

Adopted upon a voice vote 5/22/2009.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 5/22/2009.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273476)

Census 2010: Status Report on census activities and contract authorization with CURA

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273477)

CPED's State & Regional Redevelopment Grant Applications & Awards-2008 Funding Rounds; Redevelopment Grant Trends report.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273478)

Augsburg Fairview Academy (re Messiah Lutheran Church, 2504 Columbus Ave S): Preliminary & final approval to issue refinancing bonds.

Hope Community, Inc (re 1829-5th Ave S, 1900 Portland Ave S & 616-18 E 22nd St): Authorizing execution of various documents to amend Series 2005 Bonds.

Plymouth Christian Youth Center (2021 W Broadway, 2210 Oliver Ave N): Preliminary & final approval to issue refinancing bonds.

Mpls Housing Replacement Tax Increment Financing District II: Addition of 14 parcels to & deletion of 14 parcels from the District.

Tax Credit Assistance Program: Draft requirements for administration & exchange program funds for the American Recovery & Reinvestment Act.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273479)

Catalyst Community Partners (re 1200 W Broadway): Great Streets Gap Financing Loan.

GRANTS AND SPECIAL PROJECTS (273480)

City's 2009 HUD HOPWA Program Grant: Funding to Metropolitan Council Housing & Redevelopment Authority & MN Aids Project.

PURCHASING (273481)

Target Center: Acceptance of OP #7210 Bid for portable performance stage of StageRight Corporation.

3649 - 2nd Ave S: Acceptance of OP #7114 Bid for renovation of property.

ELECTIONS:

ATTORNEY (273482)

Ranked Choice Voting: Dual Track Timeline for 2009 Municipal Election.

CITY CLERK (273483)

Ranked Choice Voting Implementation: Results of Test Election; RCV Video; and Letter from Tipping Point Strategies, LLC.

HEALTH, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (273484)

Twin Cities Healthy Start Program: Approve list of agencies recommended for funding for period June 1, 2009 through May 31, 2014; Execute annual contracts with approved list of agencies, with all years of funding contingent upon funds available from the United States Department of Health and Human Services; and Approve additional list of agencies recommended as approved but not funded under existing funding caps; and Authorize contract with one or more if funding becomes available.

Community Development Block Grant Year 35 Funds: Authorize increase not to exceed amounts for the following contracts reflecting a 2% increase in funding from United States Department of Housing and Urban Development for Catholic Charities; Minnesota International Health Volunteers; Living at Home/Block Nurse Programs (Nokomis, Southeast, Longfellow/Seward); Southside Community Health Services; Greater Minneapolis Council of Churches/Division of Indian Work; Minneapolis Public Schools TAPPP; Centro Cultural Chicano, Inc; Minneapolis Urban League; Lao Family Community of Minnesota, Inc.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (273485)

Cedar Country Boy (4164 Cedar Av): Approve License Settlement Conference recommendations relating to Off-Sale Beer License.

8th Street Grill & Tavern (800 Marquette Av): Approve License Settlement Conference recommendations relating to On-Sale Liquor Class C-1 with Sunday Sales License.

Zipp's Liquor (2618 E Franklin Av): Approve License Settlement Conference recommendations relating to Off-Sale Liquor License.

LICENSES AND CONSUMER SERVICES (273486)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (273487)

Main Street Food Market (3653 Chicago Av): Grant Grocery License, with conditions.

Sushi Tango (3011 Hennepin Av): Grant On-Sale Liquor Class E with Sunday Sales License, with conditions.

LICENSES AND CONSUMER SERVICES (273488)

Palmer's Bar (500 Cedar Av): Comments re application for On-Sale Liquor Class B with Sunday Sales License.

LICENSES AND CONSUMER SERVICES (273489)

Tropic World Foods (3328 E Lake St): Deny renewal of Grocery License.

REGULATORY SERVICES (273490)

Property at 2321 Fremont Av N: Adopt findings of Nuisance Condition Process Review Panel to uphold Director's Order for demolition of property.

REGULATORY SERVICES (273491)

Rental Dwelling License at 3130 Pillsbury Av S: Approve license reinstatement to be held by Franklin National Bank, Albert Alexander, Vice President.

Rental Dwelling License at 2222 Emerson Av N: Revoke license held by Jason White.

REGULATORY SERVICES (273492)

Taxicab Meter Fares: Ordinance permitting adjustments to the standard taxicab fare rate based upon a comprehensive consumer price index; and establishing the maximum meter fare rates as the rates that were in effect on February 28, 2009, with an automatic adjustment effective October 1, 2010.

Vacant Commercial Property Registration Program: Ordinance implementing a Vacant Commercial Property Registration Program.

Rental Licensing: Ordinance repealing Section 244.1950 entitled Rental dwelling license board of appeals; and shifting from a citizen board to an administrative hearing process when the Director recommends denial, non-renewal, revocation or suspension of a rental license.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

FIRE DEPARTMENT (273493)

Health Club Memberships for Sworn Personnel: Issue a Request for Proposals for memberships for sworn employees of the Fire and Police Departments and Park Board Police Department.

Mobile Health Testing for Fire Department: Execute amendment #3 to contract with Mobile Health Services, dba Med Compass, to extend contract through December 31, 2011 and increase annual amount not to exceed \$73,545.

POLICE DEPARTMENT (273494)

Mounted Patrol: Execute contract with Horsemen, Inc, for boarding services.

Domestic Violence: Extend and increase sub-recipient contracts with the Domestic Abuse Project, Casa de Esperanza and Asian Women United of Minnesota related to the grant award from the United States Department of Justice Grants to Encourage Arrest Policies Grant Program.

Internet Crimes Against Children Task Force: Execute Joint Powers Agreement with Minnesota Bureau of Criminal Apprehension to participate in task force and accept up to \$5,000 for overtime expenses and additional reimbursable travel expenses as approved; and Passage of Resolution approving appropriation.

REGULATORY SERVICES (273495)

Homeland Security Grant: Execute amendment #2 to grant agreement with Minnesota Department of Public Safety to extend the grant period for satisfactory completion of the project to prevent, protect against, respond to and recover from terrorist attacks, major disasters and other emergencies.

Bid for Weed Cutting: OP #7133, accept low bid of Over the Top Inc to provide weed cutting and related services for a 12 month period beginning in 2009.

National Association of County and City Health Officials Advance Practice Center Grant: Extend agreement with Hennepin County to receive \$136,489 to proceed with grant activities relating to

planning responses to potential threats to food, water and safety during a disaster or public health emergency; and Approve appropriation.

REGULATORY SERVICES (273496)

Rental Licensing: Ordinance requiring a \$450 fee for the inspection of a rental dwelling which has a change of ownership; and Request for 5.0 Full-Time Equivalent positions and appropriation of \$612,000.

Rental Licensing: Ordinance adding a new section requiring that the tenant be notified of mortgage foreclosure or cancellation of a contract for deed; including as a new rental housing licensing standard that if an owner has a second offense operating a rental without a license, it may be grounds to revoke all licenses held by the owner or where the owner has an interest in a rental property for a period of 24 months; including as a new rental housing licensing standard that failure to notify tenants of mortgage foreclosure or cancellation of a contract for deed may be grounds to revoke the rental license; and including a license reinstatement fee of \$3,000 when the applicant for reinstatement was the owner of the property when the license or provisional license was denied, revoked or suspended.

TAXES (BOARD OF EQUALIZATION) (See Rep):

CITY CLERK (273497)

2009 Board of Appeal and Equalization: Report.

TRANSPORTATION AND PUBLIC WORKS:

CENTERPOINT ENERY (273498)

Utility Poles installed at 4549 Colfax Ave S.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (273499)

Exemption to Traffic Laws: Amend Title 18, Chapter 466.

Transportation Management Organization (TMO): Executive Committee Appointments.

Edina Art Fair: Block Event Permit.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (273500)

Marquette and 2nd Ave Transit Shelters: Bid of Meisinger Construction Company, Inc.

Cedar Lake Trail: Easements.

Minneapolis Water Works: Stipulation Agreement with Minn. Pollution Control Agency.

Victory Memorial Parkway: Agreement with Hennepin County and Park Board.

2009 SAFETEA_LU Submission: Applications.

Bids: a) OP 7110, HBM Services, Inc. for janitorial services; b) OP 7124, Construction Results, for areaway abandonment; c) OP 7128 Kone, Inc., for elevator and escalator maintenance; and d) OP 7129, Huls Bros. Trucking, Inc. d/b/a Avon AG-Lime, for disposal of water treatment residuals.

WAYS AND MEANS BUDGET:

FINANCE DEPARTMENT (273501)

2009 Financial Status Report: 1st Quarter.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (273502)

Legal Settlements: a) Michael Maile v. City of Minneapolis, et al.; and b) Blia Xiong, Johnny Her and David Her v. City of Minneapolis.

BUSINESS INFORMATION SERVICES (BIS) (273503)

LinkedIn Corporation: Execute contract for contract document recruiting tool.

IBM Contract: Increase contract C-24267A for additional Cognos software licenses and services.

SPL Integrated Solutions: Execute contract to provide professional services and furnish audio/visual equipment for the City's Emergency Operations and Training Facility.

FINANCE DEPARTMENT (273504)

Medical Billing Services: Extend contract with Alpha Review Corporation to September 1, 2009; and issue RFP for services.

Green Institute Loan Settlement: Accept settlement as full payment on the outstanding Section 108 HUD Loan and Delinquency Loan.

HUMAN RESOURCES (273505)

New Appointed Position: Deputy Director Business Information Services (BIS) Information Security.

International Brotherhood of Electrical Workers, Local 292, Electrical Technicians Unit: Labor agreement.

ZONING AND PLANNING (See Rep):

INSPECTIONS/BOARD OF ADJUSTMENT (273506)

Appeal: 2426 Plymouth Ave N

PLANNING COMMISSION/DEPARTMENT (273507)

Rezoning:

Cedar & Lake Shopping Center (3017 Cedar Ave S)

Vacation:

Augsburg College (7th Street S Between 20th & 21st Aves S)

Zoning Code Text Amendment:

On-Premise Signs (Title 20, Chs 520, 543, 551; & Title 5, Chs 95 & 109)

FILED:

EMILY'S DELI, INC. (273509)

Vacate where buildling encroaches right of way on University Avenue NE.

PARK BOARD (273508)

Minneapolis Park & Recreation Board, Superintendent's Report 2008.

The following reports were signed by Mayor Rybak on May 27, 2009. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE and WAYS & MEANS/BUDGET Committee submitted the following report:

Comm of the Whole & W&M/Budget - Your Committee, having under consideration the authorization of a contract NTE \$80,000 with the Center for Urban and Regional Affairs at the University of Minnesota for Census outreach coordination, now recommends that said authorization be granted. Adopted 5/22/2009.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration the Minneapolis Economic Recovery Strategy and the request for issuance of bonds for the Augsburg Fairview Academy Project, on behalf

of Messiah Lutheran Church, to refinance the first mortgage loan on property at 2504 Columbus Ave S and to finance improvements to the facility, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$1,008,000 in Tax-exempt 501(c)(3) Bank Qualified Bank Direct Minneapolis Community Development Agency (MCDA) Revenue Bonds, Series 2009, for said project.

Your Committee further recommends that the subject matter be forwarded to the MCDA Board of Commissioners.

Adopted 5/22/2009.

Resolution 2009R-219, giving preliminary and final approval to and authorizing the financing of a project on behalf of Messiah Evangelical Lutheran Church at 2504 Columbus Ave S, and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefore, was adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-219 By Goodman

Giving preliminary and final approval to and authorizing the financing of a project on behalf of Messiah Evangelical Lutheran Church (the "Company"), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therfor.

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue obligations for various purposes; and

Whereas, it has been proposed that the Agency issue a revenue bond in the amount of approximately \$1,008,000 (the "Bond") to finance the renovation and refinancing of a building to be used as a charter high school (grades 9-12), and located at 2504 Columbus Avenue South in the City (the "Project"); and

Whereas, the Project will be owned by the Company and leased to Augsburg Fairview Academy, a Minnesota nonprofit corporation; and

Whereas, the Agency expects to give final approval to the issuance of the Bond by a resolution to be adopted on the date hereof; and

Whereas, the Bond shall bear interest at an initial interest rate not to exceed five and one half percent (5.50%) per annum, shall have a final maturity date not later than December 31, 2030, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Bond in the principal amount of approximately \$1,008,000 for the purpose of financing the Project.

Be It Further Resolved that the Bond is hereby designated as a "Program Bond" and is determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 5/22/2009.

Comm Dev – Your Committee, having under consideration the Minneapolis Economic Recovery Strategy and the request for issuance of bonds on behalf of Hope Community, Inc, to amend Series 2005 bonds issued to refinance debt associated with properties at 1829 - 5th Ave S, 616-18 E 22nd St and 1900 and 1914 Portland Ave S, to allow interest-only payments for a period of 24 months, now

recommends passage of the accompanying resolution authorizing the execution of various documents to amend the Series 2005 Bonds.

Your Committee further recommends that the subject matter be forwarded to the Minneapolis Community Development Agency Board of Commissioners.

Adopted 5/22/2009.

Resolution 2009R-220, giving approval to and authorizing the amendment of a revenue note previously issued by the Minneapolis Community Development Agency on behalf of Hope Community, Inc. (re properties at 1829 - 5th Ave S, 616-18 E 22nd St and 1900 and 1914 Portland Ave S), was adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-220 By Goodman

Giving approval to and authorizing the amendment of a revenue note previously issued by the Minneapolis Community Development Agency on behalf of Hope Community, Inc. (the "Company").

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue obligations for various purposes; and

Whereas, the Agency has issued its \$1,927,300 Revenue Note (Hope Community, Inc. Project) Series 2005 (the "Note") to (i) refinance two duplexes owned by the Company and located at 1900 Portland Avenue South and 616-618 E. 22nd Street in the City; (ii) refinance loans incurred to acquire unimproved property to be used for housing purposes located at 1914 Portland Avenue South and on the Northwest corner of the intersection of Portland Avenue South and East Franklin Avenue in the City; and (iii) refinance and substantially renovate a 25-unit apartment building located at 1829 Fifth Avenue South in the City; and

Whereas, the Company and Western Bank, the holder of the Note, have proposed an amendment to the Note; and

Whereas, the Agency expects to give approval to the amendment of the Note by a resolution to be adopted on the date hereof;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby gives approval to the amendment by the Agency of the Note.

Be It Further Resolved that the amended Note is hereby designated as a "Program Bond" and is determined to be within the "Housing Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 5/22/2009.

Comm Dev – Your Committee, having under consideration the Minneapolis Economic Recovery Strategy and the request for issuance of bonds on behalf of the Plymouth Christian Youth Center, to refinance existing debt associated with the acquisition and renovation of buildings at 2021 W Broadway and 2210 Oliver Ave N, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$2,000,000 in Tax-exempt 501(c)(3) Bank Qualified Bank Direct Minneapolis Community Development Agency (MCDA) Revenue Bonds, Series 2009, for said project.

Your Committee further recommends that the subject matter be forwarded to the MCDA Board of Commissioners.

Adopted 5/22/2009.

Resolution 2009R-221, giving preliminary and final approval to and authorizing the financing of a project on behalf of Plymouth Christian Youth Center (re properties at 2021 W Broadway and 2210 Oliver Ave N), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefore, was adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-221 By Goodman

Giving preliminary and final approval to and authorizing the financing of a project on behalf of Plymouth Christian Youth Center (the "Company"), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor.

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue obligations for various purposes; and

Whereas, it has been proposed that the Agency issue a revenue bond on behalf of the Company in the amount of up to \$2,000,000 (the "Bond"), to refinance the acquisition and renovation of a building located at 2021 West Broadway in the City that is used as a school and neighborhood center, as well as the refinancing of the acquisition and construction of a building located at 2210 Oliver Avenue North in the City that is used for additional school space and other youth and community programming space; and

Whereas, the Agency expects to give final approval to the issuance of the Bond by a resolution to be adopted on the date hereof; and

Whereas, the Bond shall bear interest at an initial interest rate expected to not exceed 6.00% per annum, shall have a final maturity date not later than December 31, 2029, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Bond in a principal amount of up to \$2,000,000 for the purpose of the refinancing described above.

Be It Further Resolved that the Bond is hereby designated as a "Program Bond" and is determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 5/22/2009.

Comm Dev - Your Committee recommends passage of the accompanying resolution adding 14 parcels to, and deleting 14 parcels from, the Minneapolis Housing Replacement Tax Increment Financing District II.

Adopted 5/22/2009.

Resolution 2009R-222, approving the addition of 14 parcels to (1610 Oak Park Ave N; 2320 4th St N; 2645-14th Ave S; 2704 Bryant Ave N; 3020-4th St N; 3114-6th St N; 1414 Morgan Ave N; 3347 Lyndale Ave N; 418-23rd Ave N; 2008 Washington St NE; 2803 Polk St; 2213-16th Ave S; 2426 Elliot Ave S; 3428 Cedar Ave) and deletion of 14 parcels from (2641 Emerson Ave N; 2709 Humboldt Ave N; 2114 James Ave N; 3019 Morgan Ave N; 2619 Oliver Ave N; 2720 Penn Ave N; 2911 Penn Ave N; 1418 Sheridan Ave N; 2511-4th Ave N; 1705-25th Ave N; 2542-12th Ave S; 2419-16th Ave S; 1844-26th St E; 3504 Longfellow Ave S) the Housing Replacement Tax Increment Financing District II parcels, was

adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-222 By Goodman

Approving the addition and deletion of Housing Replacement Tax Increment Financing District II Parcels.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174, as amended, and Laws of Minnesota 1995, Chapter 264, Article 5, Sections 44 through 47, as amended by Minnesota Session Laws 1996, Chapter 471, Article 7, Minnesota Session Laws 1997, Chapter 231. Article 10, and Minnesota Session Laws 2002, Chapter 377, Article 7 (the "Act") and other laws enumerated therein (collectively, the "Project Laws"); and

By Resolution No. 2003R-386 duly adopted on August 22, 2003, the City Council of the City (the "Council") adopted a resolution approving the Minneapolis Housing Replacement TIF District II Plan enabling the Agency to establish a Housing Replacement Tax Increment Financing District (the "District") within the City; and

That the Act and the Plan specify the procedures whereby parcels may be added to and deleted from the District; and

It has been proposed that the City adds 14 parcels to the District and deletes 14 parcels previously added to the District.

Section 2. Findings for the Adoption of the Plan

The Council further finds, determines and declares that 14 parcels are being deleted from the District; and

The Council further finds, determines and declares that the intended acquisition of these parcels did not take place and redevelopment did not occur, pursuant to the Project Laws; and

The Council further finds, determines and declares that the parcels to be added to and certified within the District do not include vacant parcels; and

The Council further finds, determines and declares that the intended reuse of these parcels is market-rate, owner-occupied housing, pursuant to the Project Laws; and

The Council further finds, determines and declares that there will be 100 parcels in the Minneapolis Housing Replacement TIF District II with the inclusion and deletion of the parcels identified on Attachment 1 to this resolution. The maximum number of parcels that can be included in the District is 100 parcels;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the parcels listed are hereby approved for inclusion (underscored) and/or deletion (stricken) as part of the Minneapolis Housing Replacement TIF District II.

Minneapolis Housing Replacement TIF District II

2709 Humboldt Avenue North 2354 James Avenue North 3243 Aldrich Avenue North 3210 Aldrich Avenue North 3250 6th Street North

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- 3223 6th Street North
- 45155th Avenue South
- 2750 Thomas Avenue North
- 1900 Willow Avenue North Lowell School Site Assemblage
- 1418 25th Avenue North
- 2627 Fremont Avenue North
- 1014 30th Avenue North
- 1316 14th Avenue North
- 2127 Queen Avenue North
- 3207 Bryant Avenue North
- 2641 Emerson Avenue North
- 2615 Thomas Avenue North
- 1518 Morgan Avenue North
- 2511 James Avenue North
- 2525 James Avenue North
- 2638 Colfax Avenue North
- 2814 Knox Avenue North
- 2542 17th Avenue South
- 2826 14th Avenue South
- 3504 Longfellow Avenue South
- 3343 Fremont Avenue North
- 630 19th Avenue NE
- 2751 Sheridan Avenue North
- 2119 James Avenue North
- 2302 Fremont Avenue North
- 41931st Avenue North
- 1415 18th Avenue NE
- 3519 Oliver Avenue North
- 2534 James Avenue North
- 2530 James Avenue North
- 41531st Avenue North
- 2101 Ilion Avenue North
- 1000 30th Avenue North
- 2619 Oliver Avenue North
- 2636 Penn Avenue North 2700 Penn Avenue North
- 2717 Penn Avenue North
- 27 17 1 ellitävellue Notti
- 2721 Penn Avenue North
- 2733 Penn Avenue North
- 1705 25th Avenue North
- 2501 James Avenue North
- 2417 16th Avenue South
- 2419 16th Avenue South
- 2422 16th Avenue South
- 2424 16th Avenue South
- 2435 16th Avenue South 2439 16th Avenue South
- 2206 James Avenue North
- 409 Logan Avenue North
- 2125 Lyndale Avenue North
- 2127 Lyndale Avenue North
- 2719 Oliver Avenue North
- 2218 Penn Avenue North
- 2622 Plymouth Avenue North

2747 Queen Avenue North

3112 6th Street North

4143 Penn Avenue North

3547 Humboldt Avenue North

4130 Fremont Avenue North

3035 6th Street North

3016 6th Street North

2034 James Avenue North

2038 James Avenue North

2109 James Avenue North

2114 James Avenue North

2611 Penn Avenue North

2631 Penn Avenue North

2950 Queen Avenue North

1915 EM Stately Street

1844 East 26th Street

2600 17th Avenue South

400 31st Avenue North

4126 Fremont Avenue North

3649 2nd Avenue South

3001 Queen Avenue North

4122 Fremont Avenue North

1352 Thomas Avenue North

1411 Sheridan Avenue North

2705 Oliver Avenue North

2943 Penn Avenue North

3019 Morgan Avenue North

2718 Fremont Avenue North

2511 4th Street North

1418 Sheridan Avenue North

416 30th Avenue North

2542 12th Avenue South

5113 Dupont Avenue North

2743 Queen Avenue North 4822 Girard Avenue North

2655 Penn Avenue North

2911 Penn Avenue North

2434 Irving Avenue North

2720 Penn Avenue North

3018 4th Street North

4.400 Fact Coll Office

1409 East 26th Street

1610 Oak Park Avenue North

2320 4th Street North

2645 14th Avenue South

2704 Bryant Avenue North

3020 4th Street North

3114 6th Street North

1414 Morgan Avenue North

3347 Lyndale Avenue North

418 23rd Avenue North

2008 Washington Street NE

2803 Polk Street

221316th Avenue South

2426 Elliot Avenue South

3428 Cedar Avenue

Adopted 5/22/2009.

Comm Dev - Your Committee, to whom was referred back from Council on 5/8/2009, a report authorizing sale of the property at 1215 Marshall St NE (part) to Kristina Oman, or an affiliated limited liability company, for the fair market value price of \$1.00, subject to the conditions set forth in the Department of Community Planning & Economic Development (CPED) staff report, now recommends that CPED staff be directed as follows, relating to the terms of sale for this property:

- a) Solicit an open Request For Proposals (RFP);
- b) The RFP will be issued for a 30-day period;
- c) The RFP will be both publicly advertised and sent as well to previous proposers on the building;
- d) The RFP will state that the building will be sold for Fair Reuse Value, which given the water infiltration and related environmental issues (\$600,000), has been estimated to be \$1 by CPED's appraiser;
- e) The RFP will state that the building will be sold "as is", that the City will not undertake any additional work, but that the developer may also need to install a new storm sewer, the estimated cost of which would be \$245,000. This is a new cost to the development project. Due to a new compliance schedule issued by the MPCA, the negotiated agreement to temporarily allow stormwater to run across a portion of the Grain Belt site that is to be developed for housing will likely no longer be valid and a stormwater connection mandated;
 - f) The developer, as part of its submission, must provide:
 - 1) A narrative description of their experience doing historic rehabilitation;
 - 2) A development pro forma; and
 - A Letter of Intent for project financing.

Adopted 5/22/2009.

Comm Dev - Your Committee, having under consideration the American Recovery & Reinvestment Act (ARRA) which provided funds for capital investments in Low Income Housing Tax Credit projects, now recommends approval of the draft requirements contained in the Minnesota Housing Finance Agency draft ARRA-Tax Credit Assistance Program (TCAP) & Exchange Programs Worksheet and the Selection and Submission document, as set forth in the Department of Community Planning & Regulatory Services staff report.

Adopted 5/22/2009.

The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee recommends approval of funding from the City's 2009 Department of Housing & Urban Development (HUD) Housing Opportunities for Persons with Aids (HOPWA) grant to Metropolitan Council Housing and Redevelopment Authority for \$430,572 and to the Minnesota Aids Project for \$445,879, and that the proper City officers be authorized to executive agreements as necessary to implement all subrecipient and subgrantee contracts related to this 2009 HOPWA grant.

Adopted 5/22/2009.

Comm Dev & W&M/Budget - Your Committee, having under consideration the application of Catalyst Community Partners for a Great Streets Gap Financing Loan for redevelopment of the existing building at 1200 W Broadway, now recommends authorization of a \$450,000 Great Streets Gap Financing Loan to Catalyst Community Partners, and that the proper City officers be authorized to execute the loan agreement and any related documents.

Your Committee further recommends passage of the accompanying resolution supporting the grant request submitted to the Hennepin County Housing and Redevelopment Authority for said project. Adopted 5/22/2009.

Resolution 2009R-223, supporting the grant request submitted to the Hennepin County Housing and Redevelopment Authority by Catalyst Community Partners for the 1200 W Broadway Project, was

adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-223 By Goodman and Ostrow

Supporting the grant request submitted to the Hennepin County Housing and Redevelopment Authority by Catalyst Community Partners for the 1200 West Broadway Project.

Whereas, Hennepin County has identified funding that may be available for the 1200 West Broadway project through a multi-jurisdictional reinvestment program established under the authority of Minnesota Statutes 383B.79, Subdivision 1; and

Whereas, the 1200 West Broadway project is located within the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis, in accordance with Minnesota Statutes 383B.77, Subdivision 3, supports the grant request submitted to the Hennepin County Housing and Redevelopment Authority by Catalyst Community Partners for the 1200 West Broadway Project.

Be It Further Resolved that the appropriate City staff may execute a cooperative agreement authorizing Hennepin County or the Hennepin County Housing and Redevelopment Authority to implement the foregoing project in Minneapolis.

Be It Further Resolved that nothing in this resolution shall create a pecuniary obligation of the City Council to assist the project nor shall the City be in any way responsible for any financial obligation or agreement of Hennepin County or the Hennepin County HRA with respect to their provision of financial assistance to this project.

Be It Further Resolved that the support expressed herein extends only to the powers of Hennepin County or the Hennepin County HRA with respect to the financial assistance the County or the HRA proposes to provide to the foregoing project and the City shall retain all other powers and jurisdiction over matters relating to the City and the project.

Adopted 5/22/2009.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of the low responsive bid submitted to the Department of Community Planning & Economic Development on OP No. 7120 from StageRight Corporation, in the amount of \$98,258.95, to furnish and deliver a performance stage for the Target Center.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation in the Department of Community Planning and Economic Development by \$98,258.95. Adopted 5/22/2009.

RESOLUTION 2009R-224 By Goodman and Ostrow

Amending the 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development NBA Arena Fund (01CPK-8900300-8900320) by \$98,258.95 from available fund balance.

Adopted 5/22/2009.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Department of Community Planning & Economic Development (CPED) on OP No. 7114 from Ram

Construction and Remodeling in the amount of \$105,655, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the renovation of 3649 - 2nd Ave S for CPED.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications.

Adopted 5/22/2009.

The HEALTH, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

HE&E & W&M/Budget – Your Committee, having under consideration the Twin Cities Healthy Start Program, now recommends:

a. approval of the following list of agencies and not to exceed amounts recommended for funding following a competitive Request for Proposal process, for the period June 1, 2009 through May 31, 2014, contingent upon final notification of the award from the United States Department of Health and Human Services:

Activities Approved And Recommended for Funding	Activities and Location	Amount Recommended Not to Exceed
Indian Health Board of Minneapolis	Phase I & II, Minneapolis	\$85,000
NorthPoint Health and Wellness Center (Hennepin County)	Phase I, Minneapolis	\$80,000
Reuben Lindh Family Services	Phase I & II, Minneapolis	\$60,000
University of Minnesota (Broadway Family Medicine)	Phase I & II, Minneapolis	\$85,000
American Indian Family Center	Phase I & II, St. Paul	\$48,500
Open Cities Health Center	Phase I & II, St. Paul	\$60,000
West Side Community Health Services	Phase I & II, St. Paul	\$80,000
Total Not To Exceed		\$498,500

- b. that the proper City officers be authorized to execute annual contracts with the approved list of agencies for the period June 1, 2009 through May 31, 2014, with all years of funding contingent upon funds available from the United States Department of Health and Human Services and agency performance. The total for all contracts for the first year will not exceed \$498,500 (01300-8600154).
- c. approval of the following list of additional agencies recommended as approved but not funded under existing funding caps, and that the proper City officers be authorized to execute contracts with one or more if funding becomes available:

Agencies Approved but Not funded Pending availability of additional funding	Activities and Location	Amount Recommended Not to Exceed
Division of Indian Work Hennepin County Medical Center (Family Medical Center and Hennepin	Phase I & II, Minneapolis Phase I & II, Minneapolis	\$48,500 \$50,000
Care-East Lake Clinic) Southside Community Health Services Adopted 5/22/2009.	Phase I, Minneapolis	\$50,000

HE&E & W&M/Budget—Your Committee, having under consideration Community Development Block Grant Year 35 funding, now recommends approval to increase the contract amount for the approved CDBG funded projects to reflect a 2% increase provided by the United States Department of Housing and Urban Development:

Agencies Approved and Recommended for Funding	Amount Recommended Not to Exceed	Revised Not to Exceed
Catholic Charities	\$67,500	\$69,000
Minnesota International Health Volunteers	\$67,500	\$69,000
Living at Home/Block Nurse Programs	\$67,500	\$69,000
(Nokomis, Southeast, Longfellow/Seward)		
Southside Community Health Services	\$65,000	\$66,000
Greater Mpls Council of Churches/		
Division of Indian Work	\$35,500	\$36,000
Minneapolis Public Schools TAPPP	\$67,500	\$69,000
Centro Cultural Chicano, Inc.	\$46,500	\$47,000
Minneapolis Urban League	\$67,500	\$69,000
Lao Family Community of Minnesota, Inc.	\$67,500	\$69,000
Total Not To Exceed	\$552,000	\$563,000
Adopted 5/22/2009.		

The PUBLIC SAFETY & REGULATORY SERVICES Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred an ordinance amending

Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Taxicabs*, permitting adjustments to the standard taxicab fare rate based upon a comprehensive consumer price index; establishing the initial maximum meter fare rates as the rates that were in effect on February 28, 2009 and providing that the first automatic twelve-month adjustment to these rates shall take effect October 1, 2010, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 5/22/2009.

Ordinance 2009-Or-040, amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Taxicabs*, amending Sections 341.720 and 341.775 to permit adjustments to the standard taxicab fare rate based upon a comprehensive consumer price index; establishing the initial maximum meter fare rates as the rates that were in effect on February 28, 2009 and providing that the first automatic twelve-month adjustment to these rates shall take effect October 1, 2010, was adopted 5/22/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-040
By Gordon
Intro & 1st Reading: 3/27/2009
Ref to: PS&RS
2nd Reading: 5/22/2009

Amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Taxicabs.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 341.720 of the above-entitled ordinance be amended to read as follows: **341.720. Mileage charges.** The maximum rate of fare based upon mileage shall be as follows: For each load of five (5) passengers, or less, for the first one-fifth (1/5) mile or fraction thereof . . \$2.50

For each succeeding one-fifth (1/5) of a mile, or fraction thereof . . . 0.47 as established pursuant to Section 341.775

A driver may require a five-dollar (\$5.00) minimum charge to employ any taxicab in Minneapolis. If a driver chooses to require a minimum fare, the minimum charge shall be displayed on both sides and the rear of each vehicle. In addition, such notice of minimum charge shall be posted inside in a manner clearly legible to passengers, nor shall any operator be barred from offering a discount to senior citizens whom have attained the age of sixty-five (65) years of age.

Section 2. That Section 341.775 of the above-entitled ordinance be amended to read as follows: 341.775. Review of fares. (a) Taxicab fare rates shall be reviewed by the director annually. The maximum meter fare amounts for mileage charges herein established shall be subject to an automatic annual twelve-month adjustment effective each March October first thereafter in a percentage equal to annual twelve-month changes in the Midwest Region CPI-U (Consumer Price Index-Urban), Transportation Expenditure Category, for the period ending December thirty-first of the preceding calendar year Minneapolis Taxicab Cost Index, rounded to the nearest hundredth of one percent. The Minneapolis Taxicab Cost Index shall consist of a weighted combination of five (5) selected consumer price indexes as published by the United States Department of Labor, a total taxicab fleet size factor, and a license and inspection fee factor as calculated for the preceding twelve-month period ending on June thirtieth of that year. The composition of the Minneapolis Taxicab Cost Index shall be as specified in subsection (c) and the resulting calculation of any change to the maximum rate charge for each one-fifth (1/5) mile increment shall be rounded up to the next whole cent. Notification of the annual adjustment to the taxicab meter rate shall be made to all taxicab service company companies at least thirty (30) days prior to taking effect.

(b) The initial maximum meter fare rates shall be equal to the rates that were in effect on February 28, 2009. The first automatic twelve-month adjustment to these rates as provided for pursuant to this section shall take effect October 1, 2010. The maximum percentage increase to the Minneapolis Taxicab Cost Index shall be capped at ten (10) percent for each twelve-month period unless the city council adopts a greater rate of increase by resolution. The maximum percentage decrease to the Minneapolis Taxicab Cost Index shall be capped at five (5) percent for each twelve-month period unless the city council adopts a greater rate of decrease by resolution.

(c) The Minneapolis Taxicab Cost Index shall be comprised of the following indexes and factors, which shall be weighted as indicated:

TABLE INSET:

CPI and factors	Weighting
Midwest Region CPI-U (Consumer Price Index-Urban) Transportation Expenditure Category; (Series ID CUURO200SAT)	30%
National CPI-U Motor Vehicle Maintenance and Repair (Series ID CUUROOOSETD)	10%
National CPI-U Motor Vehicle Parts and Equipment (Series ID CUUROOOSETC)	10%
National CPI-U Motor Vehicle Insurance (Series ID CUUROOOSETE)	<u>10%</u>
Midwest Region CPI-U All Consumers, all Items (Series ID CUUS0000SA0)	<u>30%</u>
Minneapolis taxicab fleet size, percentage change to total licensed fleet	<u>8%</u>
Minneapolis taxicab license and inspection fees, average of percentage changes to each Adopted 5/22/2009.	<u>2%</u>

PS&RS – Your Committee, to whom was referred an ordinance amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to *Housing: Vacant Dwelling or Building, Nuisance Condition*, implementing a Vacant Commercial Property Registration Program, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 5/22/2009.

Ordinance 2009-Or-041, amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to *Housing: Vacant Dwelling or Building, Nuisance Condition*, amending Section 249.80 to implementing a Vacant Commercial Property Registration Program, was adopted 5/22/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-041
By Samuels
Intro & 1st Reading: 8/22/2008
Ref to: PS&RS
2nd Reading: 5/22/2009

Amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to Housing: Vacant Dwelling or Building, Nuisance Condition.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 249.80 of the above-entitled ordinance be amended to read as follows: **249.80. Vacant building registration.** (a) The owner of a residential building or building located in a residentially zoned area shall register the building with the director of inspections within five (5) days after it becomes a vacant building. In this section, a "vacant building" is one that is:

- (1) Condemned; or
- (2) Unoccupied and unsecured for five (5) days or more; or
- (3) Unoccupied and secured by means other than those normally used in the design of the building for thirty (30) days or more; or
- (4) Unoccupied and has multiple housing maintenance, fire or building code violations existing for thirty (30) days or more; or
- (5) Unoccupied for a period of time over three hundred sixty-five (365) days and during which time an order has been issued to correct a nuisance condition pursuant to section 227.90-; or
- (b) The owner of a building designated as vacant pursuant to this section may appeal such designation within twenty-one (21) days after receipt of the designation or a billing statement therefore to the nuisance condition process review panel pursuant to the procedures established in section 249.45. The notice of designation or billing statement shall notify the building owner of such appeal rights.

(b)(c) The registration shall be submitted on forms provided by the director of inspections and shall include the following information supplied by the owner:

- (1) A description of the premises;
- (2) The names and addresses of the owner or owners;
- (3) The names and addresses of all known lienholders and all other parties with an ownership interest in the building;
- (4) The period of time the building is expected to remain vacant; and a plan and timetable for returning the building to appropriate occupancy or for demolition of the building.

(c)(d) The owner shall submit a plan and timetable that must comply with the guidelines adopted by the director of inspections. The guidelines are adopted for purposes of preventing nuisance conditions and maintaining compliance with this code. These guidelines shall be made available to

building owners. The plan shall be submitted at the time of registration, or within a reasonable period of time thereafter to be determined by the director of inspections.

(d)(e) The owner shall comply with all applicable laws and codes. The owner shall notify the director of inspections of any changes in information supplied as part of the vacant building registration within thirty (30) days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must meet the approval of the director of inspections.

(e)(f) The owner and the subsequent owners shall keep the building secured and safe and the building and grounds properly maintained until the rehabilitation or demolition has been completed.

(f)(g) Failure of the owner or any subsequent owner to maintain the building and premises that result in abatement completed by the city shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by law.

(g)(h) The new owner(s) shall register or re-register the vacant building with the director of inspections within thirty (30) days of any transfer of an ownership interest in a vacant building. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the director of inspections.

(h)(i) The director of inspections shall include in the file any property-specific written statements from community organizations, other interested parties or citizens regarding the history, problems, status or blighting influence of a vacant building.

(i)(i) Vacant building fees:

- (1) The owner of a vacant building shall pay an annual fee as established in the director's fee schedule pursuant to section 91.70. The fee is imposed to recover all costs incurred by the city for monitoring and regulating vacant buildings, including nuisance abatement, enforcement and administrative costs. This fee may be waived or suspended for the current year as a term or condition of a written restoration agreement or order issued pursuant to section 249.50. This fee may be waived for the current year and previous years if the property is acquired by the Community Planning and Economic Development (CPED) Department.
- (2) The first annual fee shall be paid no later than five (5) days after the building becomes vacant. Subsequent annual fees shall be due on the anniversary date of initial vacancy. The fees shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.
- (3) Unpaid fees shall be levied and collected as a special assessment against the property as provided for under section 227.100, with interest at the rate of eight (8) percent per annum on the unpaid balance thereof. Upon transfer of ownership, the new owner(s) shall be responsible for all unpaid and subsequent annual fees.

(j)(k) A building owner shall provide access to all interior portions of an unoccupied building in order to permit a complete inspection for the purpose of enforcing and assuring compliance with the provisions of this chapter.

Adopted 5/22/2009.

PS&RS—Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, repealing Section 244.1950 entitled *Rental dwelling license board of appeals*; and shifting from a citizen board to an administrative hearing process when the Director recommends denial, non-renewal, revocation or suspension of a rental license.

Adopted 5/22/2009.

Ordinance 2009-Or-042, amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, repealing Section 244.1950 entitled *Rental dwelling license board of appeals*; and amending Section 244.1960 to shift from a citizen board to an administrative hearing process when the Director recommends denial, non-renewal, revocation or suspension of a rental license, was adopted 5/22/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-042
By Schiff
Intro & 1st Reading: 4/24/2009
Ref to: PS&RS
2nd Reading: 5/22/2009

Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 244.1950 of the above-entitled ordinance be repealed.

- **244.1950.** Rental dwelling license board of appeals. (a) There is hereby created a rental dwelling license board of appeals. The board shall consist of seven (7) members who shall be appointed by the city council. The board members shall serve for a period of two (2) years and until their successors have been appointed and qualified. Three (3) members shall be real estate agents or brokers, residential rental property managers, or residential rental property owners; two (2) members shall be tenants or residential rental housing advocates; two (2) members shall be appointed from the general public. The fire marshal and the director of inspections shall be nonvoting ex officio members of the board. The director of inspections or the directors' designee shall serve as the secretary of the board. A majority of the voting members shall constitute a quorum. The board shall be subject to the Minnesota Open Meeting Law.
- (b) The board shall have authority to hear and decide all appeals from the director's recommendation to deny, not renew, revoke, or suspend a rental dwelling license or provisional license.
- (c) Each voting member of the board shall be compensated fifty dollars (\$50.00) per meeting attended, not to exceed two thousand dollars (\$2,000.00) per year.
 - Section 2. That Section 244.1960 of the above-entitled ordinance be amended to read as follows:
- **244.1960. Appeals procedure.** (a) Any person wishing to appeal a determination of the director recommending denial, nonrenewal, revocation, or suspension of a license or provisional license shall file a written notice of appeal with the department of inspections within fifteen (15) days after receipt of the notice of denial, nonrenewal, revocation, or suspension. The notice shall contain a statement of the grounds for the appeal. The notice of appeal shall be accompanied by a fee of one three hundred dollars (\$100.00) (\$300.00). All appeals shall be heard by an administrative hearing officer pursuant to Title 1, Chapter 2 of this Code.
- (b) The board shall meet monthly, or more frequently at the call of the chair, to hear appeals. The board shall notify the owner in writing of the time and place of the hearing.
- (e)(b) At the hearing, the board hearing officer shall hear all relevant evidence and argument. The board hearing officer may admit and give probative effect to evidence that possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The board hearing officer shall record the hearing and keep a record of documentary evidence submitted.
- (d)(c) The board hearing officer shall render its a decision in writing within thirty (30) days after the close of the hearing. The decision shall determine whether the building, or dwelling units therein, meets the licensing standards of sections 244.1910, 244.1920, or 244.2020, and shall specify the factual and legal basis for the determination.
- (e)(d) The board hearing officer shall mail a copy of its the decision to the license holder or applicant and to each licensed dwelling unit.
- (f)(e) The board hearing officer shall refer its the decision to the city council, which shall have final authority to issue, deny, renew, revoke, or suspend the license. The city council may hear argument from the license holder/applicant, but shall take no further evidence. The city council may affirm, modify, or reverse the decision of the board hearing officer.
 - (g)(f) The final decision of the city council shall be mailed to the license holder or applicant.

(h)(g) A notice to tenants of the final decision shall be mailed to each occupant and prominently posted on the building. The notice shall indicate the date upon which tenants must vacate the building and shall clearly indicate which dwelling units are affected. The notice shall indicate that further information and relocation assistance can be obtained from the City of Minneapolis Housing Services Office.

Adopted 5/22/2009.

Lilligren assumed the Chair.

PS&RS - Your Committee, having under consideration the application of Stilettos in the Mens Room, dba 44 Degrees, 2203 44th Av N, for an On-Sale Wine Class E License (new business) to expire April 1, 2010, now recommends that said license be **sent forward without recommendation**.

Johnson moved that the report be amended by deleting the language "sent forward without recommendation" and inserting in lieu thereof "granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 5/22/2009.

Johnson resumed the Chair.

PS&RS-Your Committee, having under consideration the application of Un Hospitality LLC, dba OM, 401 1st Av N, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire July 1, 2010, and a State issued 2:00 a.m. permit, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/22/2009.

PS&RS - Your Committee, having under consideration the application of Cedar Point Inc, dba Palmers Bar, 500 Cedar Av S, for an On-Sale Liquor Class B with Sunday Sales License (upgrade from Class E) to expire July 1, 2009, and having held a public hearing thereon, now recommends that said license be **sent forward without recommendation**.

Gordon moved that the report be amended by deleting the language "sent forward without recommendation" and inserting in lieu thereof "granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 5/22/2009.

PS&RS-Your Committee, having under consideration the application of Floating World Cafe, dba Floating World Cafe, 2629 E Lake St, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2010, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/22/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Main Street Food Market, 3653 Chicago Av, for a Grocery License, subject to conditions. Adopted 5/22/2009.

Resolution 2009R-225, granting the application of Main Street Food Market, 3653 Chicago Av, for a Grocery License, subject to conditions, was adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-225 By Samuels

Granting the application of Main Street Food Market, 3653 Chicago Av, for a Grocery License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by AFK Inc, dba Main Street Food Market, 3653 Chicago Av, for a Grocery License (new business) to expire April 1, 2010, subject to the following conditions:

- 1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Grocery store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.
- 2. The business will have a minimum of two staff employees working from 3:00 p.m. until the close of business each day to ensure monitoring of the exterior and to reduce negative behaviors.
 - 3. The business agrees not to sell single cigars or single cigarettes.
- 4. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy products, tobacco pipes, scales, paper rolling devices, small zip lock bags also known as jewelry bags, and single use tobacco products to include rolling papers. The business will also agree not to supply matches to non-tobacco customers.
 - 5. The business agrees to keep all exterior and interior lights illuminated and functioning properly.
- 6. Window signs shall be limited to the requirements of Section 543.350 of the Minneapolis Code of Ordinances.
- 7. The owner shall comply with the Surveillance Camera Ordinance, Section 259.230 of the Minneapolis Code of Ordinances.
- 8. The owner agrees not to install temporary advertising banners or signs on the exterior of the premises, including the fences, walls, or other fixtures of the property.
- 9. The business agrees to clean the property and all areas within 100 feet of the property line of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.
- 10. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be screened from view as is required by the Minneapolis Code of Ordinance. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.
- 11. The business will have maximum operating hours as follows: Sunday through Thursday, 7:00 a.m. to 10:00 p.m.; Friday and Saturday, 7:00 a.m. to 11:00 p.m.
- 12. The business will stock a variety of common staple food items as is required by Chapter 203 of the Minneapolis Code of Ordinances. Food items shall be removed from stock when the printed shelf life date has expired.
 - 13. The business agrees they will not put chairs on the City sidewalks.
 - 14. Final inspection and compliance with all provisions of applicable codes and ordinances. Adopted 5/22/2009.
- **PS&RS -** Your Committee recommends passage of the accompanying resolution granting the application of Sushi Tango, 3001 Hennepin Av, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

Adopted 5/22/2009.

Resolution 2009R-226, granting the application of Sushi Tango, 3001 Hennepin Av, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions, was adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-226 By Samuels

Granting the application of Sushi Tango, 3001 Hennepin Av, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Thao Brothers LLC, dba Sushi Tango, 3001 Hennepin Av, for an On-Sale Liquor Class E with Sunday Sales License (permanent expansion of premises and new manager/shareholder/officer) to expire July 1, 2009, subject to the following conditions:

- 1. Strict compliance with all City of Minneapolis, State of Minnesota, and Federal laws.
- 2. Jeffrey Thao will not be involved in management of the establishment and will immediately submit the name of any new manager to the Office of Licenses and Consumer Services for approval by the Minneapolis City Council.
- 3. Jeffrey Thao will not be involved in any beverage alcohol service nor bartending at the establishment.
 - 4. Jeffrey Thao will not possess or consume alcoholic beverages in the establishment.
- 5. The licensee will keep all licenses issued by the City of Minneapolis, as well as these conditions, posted in view of the public at all times.
 - 6. Final inspection and compliance with all provisions of applicable codes and ordinances. Adopted 5/22/2009.
- **PS&RS -** Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 5/22/2009.

Resolution 2009R-227, granting applications for Liquor, Wine and Beer Licenses, was adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-227 By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273486):

Off-Sale Liquor, to expire October 1, 2009

Wallis Inc, dba Ken & Norm's Liquor, 4801 Chicago Av (new manager)

Off-Sale Malt Liquor, to expire April 1, 2010

Town Hall Brewery Ltd Ptn, dba Minneapolis Town Hall Brewery, 1430 Washington Av S (growler license)

On-Sale Liquor Class A with Sunday Sales, to expire May 16, 2009

331 Club Inc, dba 331 Club Inc, 331 13th Av NE (temporary expansion of premises with entertainment, May 16, 2009, 11:00 a.m. to 10:00 p.m.)

On-Sale Liquor Class A with Sunday Sales, to expire May 10, 2009

La Vina Inc, dba La Vina Restaurant, 3010 4th Av S (temporary expansion of premises, May 10, 2009, 7:00 p.m. to 2:00 a.m.)

On-Sale Liquor Class A with Sunday Sales, to expire June 7, 2009

La Vina Inc, dba La Vina Restaurant, 3010 4th Av S (temporary expansion of premises, June 7, 2009, 7:00 p.m. to 2:00 a.m.)

On-Sale Liquor Class A with Sunday Sales, to expire June 26, 2009

Bryant Lake Bowl, dba Bryant Lake Bowl, 1600 W Lake St (June 26, 2009, 6:00 p.m. to 10:30 p.m., Uptown Pride Block Party)

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2010

Scalzo Hospitality Inc, dba Minneapolis Gateway Hotel/Ramada, 1330 Industrial Blvd (new ownership from Western Host)

McCallum Group Inc, dba Three Sons Signature Cuisine, 219 Main St SE

On-Sale Liquor Class B with Sunday Sales, to expire May 30, 2009

Joint Caboose, dba Joint Caboose, 913 Cedar Av, 1st floor (temporary expansion of premises, May 30, 2009, 6:00 p.m. to 10:30 p.m.)

On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 2010

Downtime Bar & Grill, dba Downtime Bar & Grill, 1501 University Av SE, 1st floor (new manager)

On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2010

Cardenas Enterprises Inc, dba Pancho Villa's Grill, 2539 Nicollet Av (new manager)

On-Sale Wine Class D with Strong Beer, to expire April 1, 2010

El Plebe Restaurant, dba El Plebe Restaurant, 3200 Chicago Av (new business)

On-Sale Wine Class E with Strong Beer, to expire April 1, 2010

Cheema Restaurant LLC, dba India House, 1400 Nicollet Av (downgrade)

Guayaquil Restaurant Inc, dba Guayaquil Restaurant, 1526 E Lake St

Em Company Service Inc, dba Driftwood, 4415 Nicollet Av

Off-Sale Beer, to expire April 1, 2010

Campbell Adriana & Jose F Ramirez, dba Cosecha Imports, 920 E Lake St #119 (new business) Latino Groceries Inc, dba Panamericano Market, 3408 Cedar Av S (new business)

Temporary On-Sale Beer

St. Hedwig Church, dba St. Hedwig Church, 129 29th Av NE (Annual festival, June 7, 2009, 11:00 a.m. to 5:30 p.m.)

Church of St. Cyril & Methodius, 1315 2nd St NE (Church festival, August 16 & 17, 2009; Saturday 3:00 p.m. to 9:00 p.m.; and Sunday Noon to 5:00 p.m.).

Adopted 5/22/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 5/22/2009.

Resolution 2009R-228, granting applications for Business Licenses, was adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-228 By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of May 22, 2009 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273486):

Bowling Alley; Bowling, Pool & Billiard All Night Special; Car Wash; Dancing School; Dry Cleaner – Flammable; Dry Cleaner – Non-Flammable; Dry Cleaning & Laundry Pickup Station; Laundry; Place of Entertainment; All Night Special Food; Caterers; Confectionery; Grocery; Indoor Food Cart; Food Manufacturer; Food Market Manufacturer; Meat Market; Mobile Food Vendor; Drive In Food; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Gasoline Filling Station; Horse and Carriage; Motor Vehicle Repair Garage; Commercial Parking Lot Class A; Pet Shop; Refrigeration Systems Installer; Residential Specialty Contractor; Solicitor – Individual; Swimming Pool – Public; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Service Company; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Tobacco Dealer; Combined Trades; Tree Servicing; Valet Parking; Wrecker of Buildings Class B. Adopted 5/22/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 5/22/2009.

Resolution 2009R-229, granting applications for Gambling Licenses, was adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-229 By Samuels

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273486):

Gambling Class B

Southwest Hockey, dba Southwest Hockey, PO Box 24825 (Sunny's, 2940 Chicago Av)

Gambling Exempt

Majestic Hills Ranch, dba Majestic Hills Ranch, 3001 Metro Dr Suite 480, Bloomington (Raffle November 7, 2009 at Zuhrah Shrine Center, 2540 Park Av)

Mill Place, dba Achieve Minneapolis, 111 3rd Av S (Raffle May 11 – 16, 2009 at Kenwood School, 2013 Penn Av S)

Adopted 5/22/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Cedar Country Boy, 4164 Cedar Av.

Adopted 5/22/2009.

Resolution 2009R-230, approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Cedar Country Boy, 4164 Cedar Av, was adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-230 By Samuels

Approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Cedar Country Boy, 4164 Cedar Av.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on April 20, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that employees of Cedar Country Boy sold alcohol to persons under the age of 21 years on two separate occasions in a period of less than two years, in violation of the Minneapolis Code of Ordinances, Minnesota State Statutes, and the established compliance check policy and procedures of the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

- 1. That a sanction in the amount of \$3,000 be imposed for failing two alcohol compliance checks; \$3,000 of the sanction is stayed pending no further alcohol compliance check failures for a period of two years from the signing of this agreement. A 30-day suspension of license is stayed pending no further alcohol compliance failures within the same two-year period.
- 2. The \$1,500 in unpaid administrative citations be paid on a schedule as follows: \$500 paid on or before May 15, 2009; \$500 paid on or before June 15, 2009; and \$500 paid on or before July 15, 2009.
- 3. A professional training program, of their choice, will be hired to conduct training for their staff by May 30, 2009.
 - 4. An electronic identification device shall be purchased by May 30, 2009.
- 5. An identified manager shall be on duty to support the clerks in their efforts to prevent alcohol sales to minors.
- 6. A written alcohol policy shall be created and turned into the License Department upon signature of the agreement. The policy shall include the following:
 - a. An identified age at which all identification shall be checked.
 - b. Signage on the door, counter and beer cooler that state the check identification.
 - c. A statement on if an identification card is identified as a forgery that no sale is made.
- d. The electronic identification device shall be used for all sales to correspond to the age checking policy.

Adopted 5/22/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-1 with Sunday Sales License held by 8th Street Grill & Tavern, 800 Marquette Av.

Adopted 5/22/2009.

Resolution 2009R-231, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-1 with Sunday Sales License held by 8th Street Grill & Tavern, 800 Marquette Av, was adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-231 By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class C-1 with Sunday Sales License held by 8th Street Grill, 800 Marquette Av.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on April 13, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that employees of 8th Street Grill sold alcohol to persons under the age of 21 years on two separate occasions in a period of less than two years, in violation of the Minneapolis Code of Ordinances, Minnesota State Statutes, and the established compliance check policy and procedures of the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

- 1. 8th Street Grill will develop and submit to the City of Minneapolis Licenses Division a written policy regarding alcohol service at the time of signing the agreement. The policy shall address the following issues:
 - a. policy for carding everyone that appears under 30 years of age.
- b. conducting their own youth alcohol compliance checks four times per year for a period of three years and the rewards/consequences for those employees passing/failing the checks.
 - c. addressing alcohol service at regularly scheduled staff meetings.
- d. holding at least three meetings to train staff on electronic age verification devices being implemented.
- e. requiring all staff serving liquor to attend professional alcohol server training and annually thereafter.
 - 2. 8th Street Grill agrees that a trained manager will be present at all times of alcohol sales.
- 3. In lieu of suspension, 8th Street Grill agrees to pay a \$3,000 sanction for failing two youth alcohol compliance checks; \$1,500 of the sanction is stayed pending no further youth alcohol compliance check failures for a period of two years from the signing of this agreement; \$1,500 will be paid upon signing this agreement.

Adopted 5/22/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Zipp's Liquor, 2618 E Franklin Av.

Adopted 5/22/2009.

Resolution 2009R-232, approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Zipp's Liquor, 2618 E Franklin Av, was adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-232 By Samuels

Approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Zipp's Liquor, 2618 E Franklin Av.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on April 7, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that Zipp's Liquor Store, Inc allowed alcohol sale to minors on two occasions, in violation of Section 364.10 of the Minneapolis Code of Ordinances;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

- 1. The City of Minneapolis will impose a sanction, in the amount of \$3,000, for failing two minor sales of alcohol compliance checks; \$1,500 of the sanction will be stayed for a two-year period pending no same or similar violations upon agreement that an identification scanner will be purchased and used by the cashiers in compliance with the Zipp's Liquor Store, Inc alcohol policies. The remaining \$1,500 sanction must be paid upon signature of this agreement.
- 2. The business agrees to implement and maintain an alcohol sales policy. This policy is to include the following:
- Signage concerning sale of alcohol to persons above the age of 21 shall be posted at the entrance door and the cash registers.
- b. Pictures of the State of Minnesota identification cards shall be given to each employee to make them familiar with the wording on the card that the person holding it is under 21.
 - c. All employees will take alcohol server training within 30 days of the start of their employment.
- d. The policy shall include all current policies that are described in the Findings of Fact listed in #5 of the License Settlement Conference Agreement.
 - 3. All employees will take alcohol server training within 30 days of the start of their employment.
- 4. The business agrees that all employees will attend an alcohol refresher program on an annual basis from a company of their choice.
- 5. The business agrees that a trained manager will be present at all times and will support the employees to prevent alcohol sales to minors.
 - 6. Andy and Jennifer Schoenzeit will apply as on site managers by April 30, 2009. Adopted 5/22/2009.
- **PS&RS** Your Committee, having under consideration the Grocery License held by Asian International Foods, Inc, dba Tropic World Foods, 3328 E Lake St, and having held a license hearing to determine whether or not the license failed to pay a false alarm fine in the amount of \$130, now recommends that the City Council deny renewal of the Grocery License held by Tropic World Food. Adopted 5/22/2009.
- **PS&RS**-Your Committee, having under consideration the Rental Dwelling License held by Jason White for the property located at 2222 Emerson Av N, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910 (18), 244.1930 and 244.1940 of the Minneapolis Code of Ordinances relating to not allowing the water to be shut off for non-payment of utilities by the licensee, as more fully set forth in Findings of Fact which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 5/22/2009.

- **PS&RS** Your Committee, having under consideration the Rental Dwelling License for the property located at 3130 Pillsbury Av S, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by Franklin National Bank, Albert Alexander, Vice President. Adopted 5/22/2009.
- **PS&RS** Your Committee, having under consideration report passed March 6, 2009 authorizing demolition of the structure located at 2321 Fremont Av N, and the Committee having considered additional information regarding the re-establishment of a conditional use permit for the property, now recommends adoption of the findings of the Nuisance Condition Process Review Panel to uphold the Director's Order for demolition of the property.

Adopted 5/22/2009.

The PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET Committees submitted the following reports:

Lilligren assumed the Chair.

PS&RS & W&M/Budget - Your Committee, having under consideration an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, requiring a \$450 fee for the inspection of a rental dwelling which has a change of ownership, now recommends the following:

PS&RS – a. That said ordinance be given its second reading for amendment and passage.

- b. Approval of 5.0 Full-Time Equivalent positions to implement the ordinance.
- c. Passage of the accompanying resolution approving an appropriation of \$612,000 to the Department of Regulatory Services.

W&M/Budget – a. That said ordinance be given its second reading for amendment and passage.

b. That the Full-Time Equivalent count for Regulatory Services be increased by 3.0 FTEs. On December 1, 2009, the revenue estimates shall be reviewed and the 2009 revenue and expense appropriations for Regulatory Services (00100-8351000) shall be increased up to \$612,000, as warranted by actual revenue collections. The receipts shall be reviewed on a quarterly basis thereafter, pursuant to actual revenues collection for the Rental Licenses Inspection at Change of Ownership Program. Based on actual experience, the Finance Officer is directed to add 2.0 additional FTEs and warranted expense and revenue increases up to a maximum of \$612,000; the time frame to be as soon as, but no earlier than, December 1, 2009.

Johnson moved that the report be amended to approve the Ways & Means/Budget Committee recommendation and to delete the Public Safety & Regulatory Services Committee recommendation. Further, that section 244.1870 (b) of the ordinance be amended to read as follows:

"(b) Whenever a dwelling is converted to rental usage or when a rental dwelling changes ownership, the dwelling or dwellings shall be promptly inspected for compliance with the minimum standards set forth in section 244.1855 of this article. The fee for the inspection required by this section shall be one thousand dollars (\$1,000.00) for the inspection of any dwelling converted to rental usage and four-hundred fifty dollars (\$450.00) for the inspections of a rental dwelling which has a change of ownership. This fee shall be in addition to the annual license fee. This provision shall not apply to condominium buildings containing six (6) or more dwelling units nor to any rental building containing more than ten (10) dwelling units, nor to any rental dwelling owned by a nonprofit entity, as that term is defined in this title. The director of inspections may waive this provision if a property received a certificate of occupancy within three (3) years of the application date." Seconded.

Schiff moved to amend the Johnson motion by deleting the number "10" and inserting in lieu thereof "4". Seconded.

Adopted upon a voice vote.

Gordon moved to amend the Johnson motion to including the language "and which has not been inspected in the past six (6) months", to read as follows:

"The fee for the inspection required by this section shall be one thousand dollars (\$1,000.00) for the inspection of any dwelling converted to rental usage <u>and four-hundred fifty dollars</u> (\$450.00) for the inspections of a rental dwelling which has a change of ownership <u>and which has not been inspected in the past six (6) months</u>." Seconded.

Adopted upon a voice vote.

Johnson's motion, as amended, was adopted upon a voice vote.

The report, as amended, was adopted 5/22/2009.

Ordinance 2009-Or-043, amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Section 244.1870 to require a \$450 fee for the inspection of a rental dwelling which has a change of ownership, was adopted 5/22/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-043
By Johnson
Intro & 1st Reading: 4/24/2009
Ref to: PS&RS
2nd Reading: 5/22/2009

Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 244.1870 of the above-entitled ordinance be amended to read as follows: **244.1870. Point-of-conversion** or change of ownership inspection. (a) A license or provisional license issued hereunder is nontransferable. A new license application shall be required for each change of ownership of a rental dwelling and whenever a dwelling is converted to rental usage.

- (b) Whenever a dwelling is converted to rental usage or when a rental dwelling changes ownership, the dwelling or dwellings shall be promptly inspected for compliance with the minimum standards set forth in section 244.1855 of this article. The fee for the inspection required by this section shall be one thousand dollars (\$1,000.00) for the inspection of any dwelling converted to rental usage and four-hundred fifty dollars (\$450.00) for the inspections of a rental dwelling which has a change of ownership and which has not been inspected in the past six (6) months. This fee shall be in addition to the annual license fee. This provision shall not apply to condominium buildings containing six (6) or more dwelling units nor to any rental building containing more than four (4) dwelling units, nor to any rental dwelling owned by a nonprofit entity, as that term is defined in this title. The director of inspections may waive this provision if a property received a certificate of occupancy within three (3) years of the application date.
 - (1) Conversion shall be defined as single dwelling buildings and buildings/units with separate PID numbers (condominium or townhouse with 2-5 dwelling units) that have been unlicensed for the previous twelve (12) months for which the owners are applying for a rental dwelling license.
- (c) Noncompliance with written orders duly issued pursuant to the inspection required under this section shall constitute cause for the imposition of adverse license action, including but not limited to license denial.
- (d) If the licensee discontinues rental use and re-occupies the <u>converted</u> dwelling as an owner occupant within twelve (12) months of paying the inspection fee, the owner may be eligible for a fifty (50) percent refund of the inspection fee, upon written application. The provisions of this section shall apply to any property re-converted to rental use after application for this refund.

Adopted 5/22/2009.

Johnson resumed the Chair.

PS&RS & W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*,

- a. adding a new Section 244.265 entitled *Tenant to be notified of mortgage foreclosure or cancellation of contract for deed*, requiring that the tenant be notified of mortgage foreclosure or cancellation of a contract for deed.
- b. including as a new rental housing licensing standard that if an owner has a second offense operating a rental without a license, it may be grounds to revoke all licenses held by the owner or where the owner has an interest in a rental property for a period of 24 months.
- c. including as a new rental housing licensing standard that failure to notify tenants of mortgage foreclosure or cancellation of a contract for deed may be grounds to revoke the rental license.
- d. including a license reinstatement fee of \$3,000 when the applicant for reinstatement was the owner of the property when the license or provisional license was denied, revoked or suspended.

now recommends that said ordinance be given its second reading for amendment and passage. Adopted 5/22/2009.

Ordinance 2009-Or-044, amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, adding a new Section 244.265 entitled *Tenant to be notified of mortgage foreclosure or cancellation of contract for deed*, requiring that the tenant be notified of mortgage foreclosure or cancellation of a contract for deed; and amending Section 244.1945 to include as a new rental housing licensing standard that if an owner has a second offense operating a rental without a license, it may be grounds to revoke all licenses held by the owner or where the owner has an interest in a rental property for a period of 24 months; to include as a new rental housing licensing standard that failure to notify tenants of mortgage foreclosure or cancellation of a contract for deed may be grounds to revoke the rental license; and to include a license reinstatement fee of \$3,000 when the applicant for reinstatement was the owner of the property when the license or provisional license was denied, revoked or suspended., was adopted 5/22/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-044
By Samuels
Intro & 1st Reading: 4/24/2009
Ref to: PS&RS
2nd Reading: 5/22/2009

Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.265 to read as follows:

- 244.265. Tenant to be notified of mortgage foreclosure or cancellation of contract for deed. (a) Any person who lets for rent any dwelling, dwelling unit or other structure for the purpose of living, sleeping, cooking or eating, shall notify the tenant(s), in writing within seven (7) days, if the owner/landlord receives a notice of mortgage foreclosure sale under Minnesota Statute Chapters 580 or 582 or a notice of a contract for deed cancellation under Minnesota Statute § 559.21. This notice shall be in addition to the requirements under Minnesota Statute § 504B.151, which applies to prospective tenants.
- (b) Prior to letting for rent any dwelling, dwelling unit or other structure for the purpose of living, sleeping, cooking or eating and prior to accepting any security deposit from a tenant, the owner/landlord must provide written notice to the prospective tenant that the owner/landlord has received notice of a contract for deed cancellation or notice of a mortgage foreclosure sale as appropriate, and the date on which the contract cancellation period or the mortgagor's redemption period ends.
- (c) Written notice, for the purposes of this section, shall be given by personal service with affidavit of service by a third party, or by certified mail, return receipt requested.
 - (d) Failure to comply with the requirements of this section shall be punishable as a misdemeanor.
- Section 2. That Section 244.1910 of the above-entitled ordinance be amended by adding thereto new subdivisions (20) and (21) to read as follows:
 - (20) A licensee or owner/landlord shall not be in violation of section 244.265 of this Code, which requires owner/landlords to notify tenants and prospective tenants of pending mortgage foreclosure or cancellation of contract for deed involving the licensed property.
 - (21) Any person, upon a second violation of section 244.1810 by allowing to be occupied, letting or offering to let to another for occupancy, any dwelling unit without having

<u>first obtained a license or provisional license, shall be ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of two (2) years.</u>

Section 3. That Section 244.1945 of the above-entitled ordinance be amended to read as follows: **244.1945.** Reinstatement fee. A fee of one thousand dollars (\$1,000.00) must accompany any application for reinstatement of any license or provisional license that has been denied, revoked or suspended under section 244.2020 pursuant to 244.1940, if the applicant is a new owner of the property. If the applicant for reinstatement was the owner of the property when the license or provisional license was denied, revoked or suspended under 244.2020, a fee of three thousand dollars (\$3,000.00) must accompany any application for reinstatement. This reinstatement fee is in addition to the license fees imposed pursuant to section 244.1880.

Adopted 5/22/2009.

PS&RS & W&M/Budget — Your Committee recommends that the proper City officers be authorized to execute amendment #2 to Grant Agreement #2007-HSGP-00475 with the Minnesota Department of Public Safety, Homeland Security and Emergency Management, to extend the time period to allow for the satisfactory completion of grant activities associated with the planning, organizing, equipment, training, exercises and management and administration to prevent, protect against, respond to and recover from terrorist attacks, major disasters and other emergencies.

Adopted 5/22/2009.

PS&RS & W&M/Budget – Your Committee recommends acceptance of low bid received on OP #7133 submitted by Over the Top, Inc, for an estimated annual expenditure of \$65,000, to furnish and deliver all labor, materials, equipment and incidentals necessary to provide weed cutting and related services as directed for a 12 month period beginning in 2009. Further, that the proper City officers be authorized to execute a contract for said service, all in accordance with City specifications.

Adopted 5/22/2009.

PS&RS & W&M/Budget – Your Committee, having under consideration the grant entitled "Linking Advance Practice Centers and Local Public Health Agencies" to plan responses to potential threats to food, water and safety during a disaster or public health emergency, now recommends that the proper City officers be authorized to extend the current agreement with Hennepin County to receive \$136,489 to proceed with grant activities associated with the National Association of County and City Health Officials Advance Practice Center through a grant from the United States Centers for Disease Control. Further, passage of the accompanying resolution appropriating \$136,489 to the Department of Regulatory Services.

Adopted 5/22/2009.

RESOLUTION 2009R-233 By Samuels

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Regulatory Services Agency in the Grants – Federal Fund (01300-8350200) by \$136,489 and increasing the Revenue Source (01300-8350200-321000) by \$136,489.

Adopted 5/22/2009.

PS&RS & W&M/Budget — Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals for health club memberships for sworn employees of the Fire Department, Police Department, and Park Board Police Department, pursuant to approval by the Permanent Review Committee.

Adopted 5/22/2009.

PS&RS & W&M/Budget – Your Committee, having under consideration the provision of mobile health testing services of Fire Department employees to promote health and wellness, now recommends that the proper City officers be authorized to execute amendment #3 to Contract #C-24949 with Mobile Health Services, dba Med Compass, to extend the contract period through December 31, 2011 and that the annual contract amount be increased by an amount not to exceed \$73,545.

Adopted 5/22/2009.

PS&RS & W&M/Budget – Your Committee, having under consideration boarding services for mounted patrol horses, now recommends the following:

PS&RS – that the proper City officers be authorized to execute a multi-year contract with Horsemen, Inc for boarding services. The contract amount for 2009 is approximately \$62,000, payable from the Police Department (0100-4002100).

W&M/Budget – that the proper City officers be authorized to execute a one-year contract with Horsemen, Inc, with an option for multiple years, for boarding services. The contract amount for 2009 is approximately \$62,000, payable from the Police Department (0100-4002100).

Samuels moved that the report be amended to approve the Ways & Means/Budget Committee recommendation and to delete the Public Safety & Regulatory Services Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 5/22/2009.

PS&RS & W&M/Budget – Your Committee, having under consideration the 2004 United States Department of Justice Grants to Encourage Arrest Policies Grant Program, and having been notified that the grant period has been extended to permit the expenditure of all the grant funds, now recommends that the proper City officers be authorized to execute amendments to the sub-recipient contracts with the Domestic Abuse Project, Casa de Esperanza, and Asian Women United of Minnesota to increase the contract amounts and extend the contract period into 2009.

Adopted 5/22/2009.

PS&RS & W&M/Budget — Your Committee recommends that the proper City officers be authorized to execute a Joint Powers Agreement with the Minnesota Bureau of Criminal Apprehension to participate in the Internet Crimes Against Children Task Force and accept up to \$5,000 for overtime expenses and additional reimbursable trans expenses as approved. Further, passage of the accompanying resolution appropriating \$5,000 to the Police Department.

Adopted 5/22/2009.

RESOLUTION 2009R-234 By Samuels and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants –Federal Fund (01300-4003300) by \$5,000 and increasing the Revenue Source (01300-4003300-321010) by \$5,000.

Adopted 5/22/2009.

The TAXES Committee submitted the following report:

Taxes - Your Committee recommends approval of the following report of the Minneapolis Board of Appeals and Equalization Special Board of Review:

Minneapolis Board of Appeal and Equalization Report of the Special Board of Review

The City Clerk submits the report of the Special Board of Review, pursuant to the provisions of an ordinance passed May 30, 1975, by the Minneapolis City Council relating to assessments of market value of real estate, providing for the creation of a Special Board of Review.

The Board met on Monday April 27, 2009, was duly sworn and after being so sworn entered upon the discharge of duties imposed by law on such Board. The Board continued to meet to and including Friday, May 15, 2009, adjourning at 2:25 p.m.

The Board equalized the values of the assessment rolls of real and personal property located in the City of Minneapolis, County of Hennepin, Minnesota. The Board recommends approval of the Assessor's rolls containing the assessment of real estate and personal property in the districts of the City of Minneapolis, as so revised, amended, equalized and granted by the Board.

The Board recommends to the City Clerk that copies of the adjustments and corrections made to such assessment rolls be transmitted to the City Council for approval or correction. If approved, The Board recommends such assessment rolls (as in Attachment A) be transmitted to the City Assessor, County Board of Appeal and Equalization, and the State Tax Commissioner with the request that they take such action within their powers as authorized by law to give full effect to the correction and adjustments recommended and made by the Board.

Adopted 5/22/2009.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, to whom was referred an ordinance amending Title 18, Chapter 466 of the Minneapolis Code of Ordinances relating to *Traffic Code: In General*, adding a new Section 466.60 to provide an exemption to traffic laws for vehicles working in the street, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 5/22/2009.

Ordinance 2009-Or-045, amending Title 18, Chapter 466 of the Minneapolis Code of Ordinances relating to *Traffic Code: In General*, adding a new Section 466.60 *Exemptions for working on the highway*, was adopted 5/22/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-045
By Colvin Roy
Intro & 1st Reading: 4/24/2009
Ref to: T&PW
2nd Reading: 5/22/2009

Amending Title 18, Chapter 466 of the Minneapolis Code of Ordinances relating to Traffic Code: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 466 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 466.60 to read as follows:

466.60. Exemptions for working on the highway. The provisions of sections 466.230 and 474.240 shall not apply to persons, motor vehicles, and other equipment while actually engaged in work upon streets, avenues, roadways, or highways.

Adopted 5/22/2009.

T&PW - Your Committee recommends the following appointments to the Transportation Management Organization (TMO) Executive Committee, for terms to expire December 31, 2010:

Luke Litteken CenterPoint Energy

Julie Reidhead Thrivent Financial for Lutherans

Bettina Hoye Nelson, Tietz & Hoye

Robert Lux Alatus, LLC Gena Janetka Allied Parking

Adopted 5/22/2009.

T&PW - Your Committee, having under consideration an application for a large block event permit for the Edina Art Fair, to be held June 4, 2009 to June 7, 2009, to be allowed to operate outside the time frame allowed under Title 17, Chapter 455 of the Minneapolis Code of Ordinances relating to *Streets* and *Sidewalks: Block Events*, now recommends that said application be sent forward without recommendation.

Colvin Roy moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be approved". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 5/22/2009.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the installation of transit shelters as part of the Marquette and 2nd Avenue Urban Partnership Agreement (UPA) Transit Project, with staff requests as follows:

a) Acceptance of the low responsive bid of Meisinger Construction Company, Inc., (OP 7143) for an estimated expenditure of \$1,583,000, to furnish and deliver all labor, equipment, materials, and incidentals necessary for transit shelters and a prototype for the Marquette and 2nd Avenue UPA Transit Project as follows:

Base Bid \$1,453,000
 Bid Alternative #1 \$ 50,000
 Bid Alternative #2 \$ 80,000;

- b) That the proper City officers be authorized to execute a contract for this project all in accordance with the specifications including, but not limited to, Bid Alternatives #1 and #2, subject to prototype, operating, and maintenance implications; and
- c) That staff be directed to return to the June 2, 2009, Transportation & Public Works Committee meeting with details and parameters related to overall project funding, ownership, operations, and maintenance parameters:

now recommends that said staff requests be sent forward without recommendation.

Colvin Roy moved that the report be referred back to the Transportation & Public works Committee. Seconded.

Adopted upon a voice vote 5/22/2009.

T&PW & W&M/Budget - Your Committee, having under consideration the Cedar Lake Trail extension from Royalston Ave to W River Pkwy, now recommends passage of the accompanying resolution approving the acquisition of permanent and temporary easements for transportation purposes and authorizing the use of eminent domain proceedings.

Adopted 5/22/2009.

Resolution 2009R-235, approving acquisition of permanent and temporary easements for transportation purposes and authorizing use of eminent domain proceedings in relation to the Cedar Lake Trail, was adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-235 By Colvin Roy and Ostrow

Approving acquisition of permanent and temporary easements for transportation purposes and authorizing use of eminent domain proceedings.

Whereas, the City of Minneapolis (the "City") completed Phase I and Phase II of the Cedar Lake Trail between the West City limits and Royalston Avenue in 1995;

Whereas, extension of the Cedar Lake Trail from Royalston Avenue to the Mississippi River ("Cedar Lake Trail Phase III a/k/a Cedar Lake Bike Trail Phase III") is a high priority for the City of Minneapolis ("City") and its residents;

Whereas, in a Council Action on December 17, 1999, the City Council authorized the City to enter into two easements for the Cedar Lake Bike Trail Phase III;

Whereas, in a Council Action on March 2, 2001, the City Council authorized the Director of Public Works to develop a temporary bike route plan for Cedar Lake Trail Phase III due to construction delays caused by other projects in the area;

Whereas, in 2001, the City Council adopted Resolution No 2001R-147, Amending the 2001 Capital Improvement Appropriation Resolution, which included an increase to the budget for the Cedar Lake Bike Trail of \$300,000 with the revenue source being the settlement from the Federal Reserve Bank Project Tax Increment Financing District for the off-site public improvements;

Whereas, in a Council Action on August 24, 2001, the City Council authorized the proper City officers to apply for a series of federal funds (TEA-21) including \$2,160,000 for Cedar Lake Bike Trail Phase III:

Whereas, in a Council Action on September 28, 2001, the City Council authorized the expenditure of \$40,000 from the Commuter Bike Fund System (4100-943-9470-Project A7002990) for a temporary bike lanes alignment for the Cedar Lake Trail Phase III;

Whereas, in 2004, the City Council adopted Resolution No 2004R-580, approving the 2005-2009 Five Year Capital Budget, which included an appropriation of \$2,160,000 for the Cedar Lake Trail Phase III Project with the revenue source being the Federal Government;

Whereas, in 2005, the City Council adopted its Resolution No 2005R-075, Supporting the Completion of the Cedar Lake Bike Trail to the Mississippi River;

Whereas, in 2005, the City Council adopted its Resolution No 2005R-661, Requesting the issuance and sale of bonds including the Cedar Lake Bike Phase III Project;

Whereas, in 2005, the City Council adopted its Resolution No 2005R-658, 2006-2010 Five Year Capital Budget which included an appropriation of \$583,000 for the Cedar Lake Bike Phase III Project, with the revenue source being Net Debt Bonds:

Whereas, on November 17, 2006, the City Council authorized execution of Metropolitan Council Grant Agreement No SG-2006-145 in the amount of \$1,800,000 for the Cedar Lake Trail Phase III Project;

Whereas, in 2006, the City Council adopted its Resolution No 2006R-584, Appropriation Increase to PW-Fund (0600-943-9480) by \$1,800,000 and increasing the revenue source (0600-943-9480-3215) by \$1,800,000; and increasing the appropriation in PW-Fund (4100-943-9470-BIKOI) by \$1,800,000 and increasing the revenue source (4100-943-9470-3215) by \$1,800,000;

Whereas, in 2006, the City Council adopted its Resolution No 2006R-634, authorizing City representatives to enter into negotiations with abutting owners for the acquisition of trail easements;

Whereas, on March 9, 2007, the City Council authorized the acquisition by negotiation or condemnation of permanent and temporary trail easements encumbering certain real estate for completion of the Cedar Lake Trail-Phase III Project;

Whereas, in Resolution 2009R-079 on March 6, 2009, the City Council authorized the execution of an agreement between the City and Hennepin County Regional Railroad Authority (HCRRA") for cooperation in the acquisition of transportation easements by the City for construction of a portion of

the Cedar Lake Trail-Phase III (and anticipating other possible transportation and utility uses of those easements) ("HCRRA Agreement");

Whereas it is necessary for the City to commence construction of the Cedar Lake Trail-Phase III Project in 2009 in order to meet state and federal funding deadlines and the City's obligations under an agreement with the Minnesota Department of Transportation, the Northstar Corridor Development Authority and the Metropolitan Council;

Whereas, construction of the Cedar Lake Trail-Phase III Project requires that the City secure use permits to permit construction of the trail on four parcels owned by HCRRA (which permits HCRRA has agreed to issue pursuant to the HCRRA Agreement);

Whereas, the City has begun the right of way acquisition process for the Cedar Lake Trail-Phase III Project, including an approximately 12 foot trail easement parallel to the property secured for the Northstar project between North 5th Street and Washington Avenue in the vicinity of where the Northstar Commuter Rail Line and the Hiawatha Light Rail Line connect, and where several other rail transit lines currently under study will converge at an intermodal station;

Whereas, it is necessary and convenient to install stormwater improvements within portions of the Cedar Lake Trail-Phase III Project;

Whereas, the City Council finds that permanent and/or temporary easements encumbering Parcels 16, 17, 19, 21 and 24 described in Exhibit A attached hereto are needed for the Cedar Lake Trail-Phase III Project, and that it is necessary, desirable, convenient and for a public purpose to secure the easements described in Exhibit A, encumbering Parcels 16, 17, 19, 21 and 24 for construction and use of the Cedar Lake Trail and utility purposes, including by use of eminent domain proceedings, if necessary;

Whereas, to date City Staff has been unable to acquire permanent and temporary easements as described on Exhibit A attached hereto by voluntary negotiations.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis: That:

- 1) If the Director of Public Works is unable to acquire permanent and temporary easements encumbering Parcels 16, 17, 19, 21 and 24 for trail and other transportation purposes, including, without limitation, bicycle, vehicular (maintenance and emergency) and foot travel, the location of all public utility and communication facilities, including fiber optic lines, and other public facilities, upon terms acceptable to the City, the City Attorney and outside counsel retained by the City are hereby authorized and directed to initiate and complete eminent domain proceedings to acquire such easements, and to use the quick take provisions of Minn Stat § 117.042 to acquire title and possession of such easements prior to the filing of the Court Appointed Commissioners' report of damages caused by the taking.
- 2) With the assistance of the reports of independent real estate appraisers secured on behalf of the City, the Director of Public Works is hereby authorized to determine the amount of the City's offer of compensation to the owners prior to the filing of condemnation and the approved appraisal of damages to be paid or deposited by the City pursuant to Minn Stat § 117.042.
- 3) Acquisition of such permanent and temporary easements is hereby determined to be necessary and convenient and for a public purpose.

EXHIBIT A

<u>LEGAL DESCRIPTIONS OF PROPERTIES TO BE ACQUIRED</u> <u>PARCEL 16</u>

BNSF RAILWAY COMPANY 405 Washington Avenue North Property Identification No 22-029-24-13-0107

A permanent easement for trail and other transportation purposes including, without limitation, bicycle, vehicular (maintenance and emergency) and foot travel, the location of all public utility and communication facilities, including fiber optic lines over, under and across that part of Lots 2, 15 and 16, Block 22,

BRADFORD AND LEWIS ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota and that part of the abandoned alley within said Block 22 lying northerly of the following described "Line A":

"Line A" is described as beginning at a point on the Southwesterly line of Block 10, HOAG'S ADDITION TO MINNEAPOLIS, said Hennepin County, distant 29.27 feet Northwesterly from the most Southerly corner of said Block 10; thence Northeasterly along a straight line to a point in the Southwesterly line of said Block 22, distant 107.48 feet Northwesterly from the most Southerly corner of said Block 22; thence Northeasterly along the prolongation of the last described line 105.27 feet; thence Northeasterly along a non-tangential curve concave to the South having a radius of 1875.86 feet, the chord of said curve is measured 13 degrees 24 minutes 52 seconds to the right from said prolongation of the last described line to the Northeasterly line of said Block 22 and said "Line A" there terminating.

Said easement lies 9.00 feet northwesterly and 14.00 feet southeasterly of the following described line: Commencing at the most southerly corner of said Block 10; thence North 45 degrees 01 minutes 39 seconds West, assumed bearing along the southwesterly line of said Block 10, a distance of 17.87 feet to the point of beginning; thence North 45 degrees 03 minutes 49 seconds East a distance of 88.06 feet; thence northeasterly along a tangential curve concave to the southeast having a radius of 1000.00 feet and a central angle of 01 degrees 08 minutes 45 seconds for a distance of 20.00 feet; thence North 46 degrees 12 minutes 34 seconds East, tangent to said curve a distance of 29.86 feet; thence northeasterly along a tangential curve concave to the northwest having a radius of 1015.00 feet and a central angle of 01 degrees 08 minutes 45 seconds for a distance of 20.30 feet; thence North 45 degrees 03 minutes 49 seconds East, tangent to last described curve, a distance of 400.40 feet; thence northeasterly along a tangential curve concave to the southeast have a radius of 550.00 feet and central angle of 18 degrees 33 minutes 00 seconds for a distance of 178.07 feet; thence North 63 degrees 36 minutes 51 seconds East a distance of 30.17 feet to the northeasterly line of said Block 22 and said line there terminating.

The sidelines of said easement should be prolonged or shortened to intersect said "Line A" and the Northeasterly line of said Block 22.

According to the map or plat thereof on file and of record in the Office of the County Recorder in and for Hennepin County, Minnesota.

PARCEL 17

BNSFRAILWAY COMPANY

332-1/2 Washington Avenue North Property Identification No 22-029-24-14-0163

A permanent easement for trail and other transportation purposes, including, without limitation, bicycle, vehicular (maintenance and emergency) and foot travel, the location of all public utility and communication facilities, including fiber optic lines over, under and across that portion of Block 33, Town of Minneapolis, Minnesota together with the 16.0 foot wide alley within said Block, described as follows: Commencing at the most Westerly corner of said Block 33; thence Northeasterly along the Northwesterly line thereof a distance of 120.00 feet to the True Point of Beginning of the parcel to be described; thence Northeasterly along a straight line to a point on the Northeasterly line of said Block 33 distant 75.0 Southeasterly of the most Northerly corner of said Block 33, as measured along the Northeasterly line thereof; thence Southeasterly along said Northeasterly line a distance of 13.55 feet; thence Southwesterly along a straight line to the point of intersection with said Northwesterly line of Block 33 distant 80.66 feet Northeasterly from the most Westerly corner of Block 33; thence Northeasterly along said Northwesterly line to the True Point of Beginning.

Said permanent easement lies within 10.00 feet northerly of the following described line: Commencing at the most Westerly Corner of said Block 33; thence on an assumed bearing North 44 degrees 35 minutes 51 seconds East, along the Northwesterly line of said Block 33, a distance of 66.11 feet to the point of beginning; thence North 63 degrees 36 minutes 51 seconds East a distance of 195.22 feet; thence Northeasterly along a tangential curve concave to the southeast having a radius of 15,000.00 feet and a central angle of 00 degrees 12 minutes 27 seconds for a distance of 54.30 feet; thence North 63 degrees 49 minutes 17 seconds East, tangent to said curve, for a distance of 41.63 feet to the Northeasterly line of said Block 33 and said line there terminating.

The side lines of said easement should be prolonged or shortened to intersect the Northwesterly and Northeasterly lines of said Block 33.

According to the map or plat thereof on file and of record in the Office of the County Recorder in and for Hennepin County, Minnesota.

PARCEL 19

BNSF RAILWAY COMPANY 322 - 2nd Street North Property Identification No 22-029-24-14-0528

A permanent easement for trail and other transportation purposes, including, without limitation, bicycle, vehicular (maintenance and emergency) and foot travel, the location of all public utility and communication facilities, including fiber optic lines over, under and across that part of **Block 26**, **TOWN OF MINNEAPOLIS**, Hennepin County, Minnesota lying southwesterly of REGISTERED LAND SURVEY NO 1741, said Hennepin County and lying northerly and northeasterly of the following described line "Line X":

"Line X" is described as beginning at the most westerly corner of Lot 3, said Block 26; thence northeasterly along the northwesterly line of said Lot 3 to a point distant 29 feet southwesterly of most northerly corner of said Lot 3; thence northeasterly to a point on the northeasterly line of Lot 8, said Block 26 distant 4 feet northwesterly of the most easterly corner of said Lot 8 and said "Line X" there terminating.

Said permanent easement lies 10.00 feet on both sides of the following described line: Commencing at the most westerly corner of said Lot 3; thence on an assumed bearing of North 45 degrees 10 minutes 25 seconds West, along the southwesterly line of said Block 26, a distance of 9.86 feet to the point of beginning of the line to be described; thence North 63 degrees 49 minutes 17 seconds East a distance of 30.08 feet to the intersection with said "Line X" and said line there terminating.

The sidelines of said easement should be prolonged or shortened to intersect said southwesterly line of Block 26 and said "Line X".

According to the map or plat thereof on file and of record in the Office of the County Recorder in and for Hennepin County, Minnesota.

PARCEL 21

THREE QUARTERS, LLC
BRUCE STILLMAN
310 - 2nd Street North
Property Identification No 22-029-24-14-0016

A permanent easement for trail and other transportation purposes including, without limitation, bicycle, vehicular (maintenance and emergency) travel, the location of all public utility and communication facilities, including fiber optic lines over, under and across Lot 4, that part of Lot 3 and that part of the vacated alley accruing to said Lots 3 and 4 lying Southerly of the railroad right-of-way as widened, all in Block 26, **TOWN OF MINNEAPOLIS**, Hennepin County, Minnesota.

Said easement lies 10.00 feet on both sides of the following described line: Commencing at the most westerly corner of said Lot 3; thence on an assumed bearing of North 45 degrees 10 minutes 25 seconds West, along the southwesterly line of said Block 26, a distance of 9.86 feet to the point of beginning of the line to be described; thence North 63 degrees 49 minutes 17 seconds East a distance of 247.25 feet; thence Northeasterly along a tangential curve concave to the southeast, said curve having a radius of 3000.00 feet and a central angle of 01 degrees 33 minutes 49 seconds for a distance of 81.87 feet; thence North 65 degrees 23 minutes 06 seconds East, tangent to said curve, for a distance of 32.02 feet to the intersection with the northeasterly line of said Block 26 and said line there terminating.

The sideline of said easement should be prolonged or shortened to intersect said southwesterly line of Block 26 and said northeasterly line of the vacated alley accruing to said Lots 3 and 4.

According to the map or plat thereof on file and of record in the Office of the County Recorder in and for Hennepin County, Minnesota.

PARCEL 24

BNSF RAILWAY COMPANY 300 - 1st Street North Property Identification No 22-029-24-14-0008

A permanent easement for trail and other transportation purposes including, without limitation, bicycle, vehicular (maintenance and emergency) and foot travel, the location of all public utility and communication facilities, including fiber optic lines over, under and across the railroad right-of-way crossing Lots 4, 5, 6, 7 and 8, Block 9, **TOWN OF MINNEAPOLIS**, Hennepin County, Minnesota and the vacated alley in said Block 9.

Said easement lies 10.00 feet on both sides of the following described centerline:

Commencing at the most southerly corner of said Block 9; thence on an assumed bearing of North 45 degrees 11 minutes 48 seconds West, along the southwesterly line of said Block 9, a distance of 60.21 feet to the point of beginning of the centerline to be described; thence North 65 degrees 23 minutes 06 seconds East a distance of 71.93 feet; thence Northeasterly along a tangential curve concave to the southeast, said curve having a radius of 1000.00 feet and a central angle of 04 degrees 45 minutes 42 seconds for a distance of 83.11 feet; thence North 70 degrees 08 minutes 48 seconds East, tangent to said curve, to the intersection with the southeasterly line of said Block 9 and said centerline there terminating.

The sidelines of said easements should be prolonged or shortened to intersect said southwesterly line and the southeasterly line of Block 9.

According to the map or plat thereof on file and of record in the Office of the County Recorder in and for Hennepin County, Minnesota.

Adopted 5/22/2009.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a Stipulation Agreement with the Minnesota Pollution Control Agency, as set forth in Petn No 273500, and any further agreements necessary to resolve alleged violations of the National Pollutant

Discharge Elimination System/State Disposal System permit maintained by the Minneapolis Water Works. The agreement includes payment of a civil penalty in the amount of \$13,300, which will be paid from the Water Enterprise Fund (07400).

Adopted 5/22/2009.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement between the City of Minneapolis, Hennepin County, and the Minneapolis Park and Recreation Board, as set forth in Petn No 273500, for roadway improvements on and adjacent to Victory Memorial Parkway between Xerxes Ave N and Irving Ave N.

Adopted 5/22/2009.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to submit a series of applications for federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) New Freedom funds passed through the state.

Your Committee further recommends that local funds be committed to support the approved SAFETEA_LU projects, perfederal requirements.

Adopted 5/22/2009.

- **T&PW & W&M/Budget** Your Committee recommends acceptance of the following bids submitted to the Public Works Department:
- a) OP 7110, Accept low bid of HBM Services, Inc., for an estimated annual expenditure of \$90,000, to furnish and deliver janitorial services at the Public Service Center;
- b) OP 7124, Accept low bid of Construction Results, for an estimated expenditure of \$254,790, to furnish and deliver areaway abandonment;
- c) OP 7128, Accept low bid of Kone, Inc., for an estimated expenditure of \$45,000, to furnish and deliver elevator and escalator maintenance; and
- d) OP 7129, Accept low bid of Huls Bros. Trucking, Inc., d/b/a Avon AG-Lime for an estimated expenditure of \$2,225,000, to furnish and deliver all labor, equipment, and incidentals necessary to load, haul, and dispose of water treatment residuals for the Public Works Water Department.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said services, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 5/22/2009.

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney. Adopted 5/22/2009.

Resolution 2009R-236, authorizing settlement of *Michael Maile v. City of Minneapolis*, *et al.; Blia Xiong, Johnny Her and David Her v. City of Minneapolis*, was adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-236 By Ostrow

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis: That the City Attorney is authorized to proceed with the settlements of:

- a) Michael Maile v. City of Minneapolis, et al., by payment of \$29,500, payable to Michael Maile and his attorney, Dan Rasmus; payable from the Internal Service Self Insurance Fund (06900-145835).
- b) Blia Xiong, Johnny Her and David Her v. City of Minneapolis, by payment of \$7,500, payable to Blia Xiong and her attorney, Mark Sarenpa; \$2,500, payable to Blia Xiong, mother and natural guardian of Johnny Her, and their attorney, Mark Sarenpa; and \$2,500, payable to Blia Xiong, mother and natural guardian of Dvaid Her and their attorney, Mark Sarenpa; payable from the Internal Service Self Insurance Fund (06900-1500100-145890).

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the above settlements.

Adopted 5/22/2009.

W&M/Budget - Your Committee recommends authorizing proper City officers to execute a contract with LinkedIn Corporation, in an amount of \$28,000, to utilize LinkedIn's contract document instead of the City's Standard Agreement Form.

Adopted 5/22/2009.

W&M/Budget - Your Committee, having under consideration the Cognos application, now recommends an increase the IBM Corporation contract C-24267A by \$350,000 for additional Cognos software licenses and services. Existing appropriations from BIS and the Finance Department's Compass project budget will be funding the increase.

Adopted 5/22/2009.

W&M/Budget - Your Committee recommends authorizing proper City officers to execute a contract with SPL Integrated Solutions based on the U.S. General Services Administration (GSA) cooperative purchasing contract GS-35F-0605T for and amount not to exceed \$1,500,000, to provide professional services and furnish audio/visual equipment for the City's Emergency Operations and Training Facility (EOTF).

Adopted 5/22/2009.

- **W&M/Budget** Your Committee, having under consideration the Medical Billing Services for Workers' Compensation (WC) and Departmental Employment Services, now recommends the following:
- a) Authorize extending the contract term with Alpha Review Corporation from May 15, 2009 to September 1, 2009, under the same fee arrangements, payable from the Self Insurance Fund, not to exceed \$35,000; and
- b) Authorize proper City officers to issue a Request for Proposals (RFP) for services to potential vendors for the provision of Workers' Compensation and Employment Services Medical Billing Review and Payments.

Adopted 5/22/2009.

W&M/Budget - Your Committee recommends concurrence with the Executive Committee in approving the new appointed position of Deputy Director Business Information Services (BIS) Information Security, (grade 13 with 590 points), effective May 22, 2009; and to approve the request for an exception from the Appointed Pay Plan.

Your Committee further recommends passage of the accompanying Salary Ordinance establishing the salary for said appointed position.

Adopted 5/22/2009.

Ordinance 2009-Or-046, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, approving the appointed position of Deputy Director Business Information Services Information Security, was adopted 5/22/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-046 By Ostrow 1st & 2nd Readings: 5/22/2009

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP) Effective: MAY 22, 2009

FLSA OTC		CLASSIFICATION	PTS	G	Р	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"	
Е	1	Deputy Director BIS Information Security	590	13	Α	\$99,469	\$104,704	\$107,845	\$109,940	

Adopted 5/22/2009.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the terms of a 24-month labor agreement with the International Brotherhood of Electrical Workers, Local #292, Electrical Technicians Unit, effective January 1, 2009 through December 31, 2010. Adopted 5/22/2009.

Resolution 2009R-237, approving the terms of a 24-month labor agreement with the International Brotherhood of Electrical Workers, Local #292, Electrical Technicians Unit, was adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-237 By Ostrow

Approving the terms of a collective bargaining agreement with the International Brotherhood of Electrical Workers, Local #292, Electrical Technicians Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the International Brotherhood of Electrical Workers, Local #292, Electrical Technicians Unit (Petn No 273505), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the

Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 5/22/2009.

W&M/Budget - Your Committee, having under consideration the Green Institute's Section 108 HUD Loan and Delinquency Loan related to the Eco-Enterprise Center, now recommends acceptance of the settlement in the amount of \$3,364,912.18 as full payment, and the fulfillment of any outstanding obligations under a forgivable loan of state general fund grant proceeds (Petn No 273504).

Your Committee further recommends passage of the accompanying resolution appropriating funds.

Adopted 5/22/2009.

RESOLUTION 2009R-238 By Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by:

- a) Increasing the appropriation in the self supporting debt service fund (05260-1100100-851101) by \$2,786,000 to allow for prepayment of \$2,920,000 to HUD for the Section 108 Loan; and
- b) Increasing the Revenue budget in (05260-1100100-375501) by \$3,364,912.18 for the settlement proceeds from the sale of the Eco-Enterprise Center.

Adopted 5/22/2009.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Kelly Hadac on behalf of IB Property Holdings from the decision of the Board of Adjustment which denied the application for a certificate of nonconforming use to legally establish a mixed-use building with four dwelling units and a commercial tenant space, at 2426 Plymouth Avenue N, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Your Committee further recommends that the supplemental Findings of Fact and Recommendation prepared by the City Attorney and on file as FoF2009-34 in the Office of the City Clerk be adopted and made a part of this report by reference.

Adopted 5/22/2009.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Lake Cedar Revival, LLC (BZZ-4326) to rezone the property at 3017 Cedar Avenue S to add the TP Transitional Parking Overlay District to the R2B District to permit an accessory parking lot, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 5/22/2009.

Ordinance 2009-Or-047, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally* rezoning the property at 3017 Cedar Avenue S to add the TP Overlay District, was adopted 5/22/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-047 By Schiff 1st & 2nd Readings: 5/22/2009

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lot 8, Block 4, Minnehaha Addition To Minneapolis (3017 Cedar Avenue S - Plate 26) to add the TP Overlay District.

Adopted 5/22/2009.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Augsburg College to vacate 7th Street S between 20th Avenue S and 21st Avenue S (#1552), subject to retention of easement rights by Xcel Energy, Center Point Energy, and the City of Minneapolis, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said portion of a public street.

Adopted 5/22/2009.

Resolution 2009R-239, vacating 7th Street between 20th and 21st Avenues S, was adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-239 By Schiff

Vacating all of 7th Street South (20th Avenue South to 21st Avenue South) as dedicated between Blocks 190 and 199, Town of Minneapolis Addition to Minneapolis; (Vacation File No. 1552).

Resolved by The City Council of The City of Minneapolis:

That all that part of 7th Street South as dedicated in the plat of Town of Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota, lying east of a line drawn from the northwest corner of Block 199, said Town of Minneapolis, and lying west of a line drawn from the northwest corner of Block 198, said Town of Minneapolis to the southwest corner of Block 191, said Town of Minneapolis, and lying south of the south line of said Block 190 and a line drawn from the southeast corner of said Block 190 to said southwest corner of Block 191, and lying north of the north line of said Block 199 and its easterly extension is hereby vacated except that such vacations shall not affect the existing easement right and authority of the City of Minneapolis, Center Point Energy, and Xcel Energy, their successors and assigns, to enter upon that portion of the aforedescribed street which is described in regard to each of said corporations as follows, to wit:

As to Center Point Energy: The south half of that part of 7th Street South which lies east of the east right-of-way line of 20th Avenue South and which lies west of the west right-of-way line of 21st Avenue South, and that part of the north half of 7th Street South which lies east of the east right-of-way line of 20th Avenue South and which lies west of the southerly extension of the east line of Lot 7, Block 190, Town of Minneapolis.

As to Xcel Energy: Over the entire street to be vacated.

As to the City of Minneapolis: A public street easement over and across those parts of vacated 7th Street South and vacated 21st Avenue South, all within the plat of Town of Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota, lying within the circumference of a circle having a radius of 50.00 feet. The center of said circle is described as commencing at the northeast corner of Lot 1, Block 199, said Town of Minneapolis; thence South 89 degrees 55 minutes 42 seconds East, assumed bearing, along the easterly extension of the north line of said Lot 1, a distance of 40.00 feet to the centerline of vacated 21st Avenue South; thence north 00 degrees 07 minutes 49 seconds East, along said centerline, a distance of 33.88 feet to said center of circle.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said street upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

Where the area described above in regard to any of the other corporations, or any part thereof lies within the area described above in regard to the City of Minneapolis, the rights reserved to the other corporation or corporations shall be subordinate to the rights reserved to the City of Minneapolis to the same extent that said rights would be subordinate if this street had not been vacated.

Adopted 5/22/2009.

Z&P - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to the *Zoning Code*, as follows:

- a. Amending Chapter 520 relating to Introductory Provisions:
- b. Amending Chapter 543 relating to On-Premise Signs; and
- c. Amending Chapter 551 relating to Overlay Districts;

AND

Amending Title 5 of the Minneapolis Code of Ordinances relating to the Building Code, as follows:

- d. Amending Chapter 95 relating to Projections and Encroachments, and
- e. Amending Chapter 109 relating to Signs and Billboards;

to comprehensively review and revise the current zoning code regulations relating to on-premise signs, now recommends that said ordinances **be sent forward without recommendation**, as amended by the Committee with the following changes:

To Chapter 95 to allow the recovering of awnings or canopies without a permit:

95.140. Permits. No person shall install, reconstruct or alter any marquee, awning or canopy awning, canopy or marquee which projects over public property without first having obtained a permit from the director of inspections zoning administrator; however, no permit shall be required for recovering the framework of awnings or canopies. The fee for such permits shall be as set forth in section 91.90 pertaining to other structures Chapter 91, Permit Fees, of the Minneapolis Code of Ordinances. AND

To Chapter 543 to not allow pole signs in any zoning district:

	<u>Ta</u>	<u>able</u>	543-2 Specific	Standards for	Signs in the	OR2, OR3 a	ind Commer	cial Districts	<u>s</u> 1
Ty	/pe	es o	f freestanding	signs allowed					
$\overline{}$		<u> </u>							

Pole Signs No No No No No

Table 543-4 Specific Standards for Signs in the Industrial Districts[±]

Signs Attached to Buildings

Maximum height of signs 24 28 ft.

Freestanding Signs

Maximum height of signs ² 25 8 ft. except pole signs shall not exceed 24 feet

Types of freestanding signs allowed

Monument SignsYesPole SignsNo

Goodman moved to amend the report by striking the words "sent forward without recommendation" and inserting in lieu thereof "given their second reading for amendment and passage", and that Section 543.390 of the ordinance be amended to read as follows:

543.270390. **Portable signs.** (a) *In general.* Portable signs shall be prohibited on the public right-of-way.

- (b) On the public right-of-way. Portable signs may be allowed on the public right-of-way, provided an encroachment permit is obtained for such sign.
- (ab) Limits. Portable signs shall not exceed twelve (12) square feet in area, shall not be illuminated, and shall be of sufficient weight to prevent movement by wind.
- (c) Exemption from regulations on number of freestanding signs. Portable signs shall be exempt from the restrictions on the number of freestanding signs allowed on a zoning lot, provided such portable signs shall not exceed four (4) feet in height and there shall be not more than one (1) such portable sign per street frontage.

Seconded.

Schiff moved that the report be postponed one cycle to 6/12/2009. Seconded. Adopted upon a voice vote 5/22/2009.

RESOLUTIONS

Resolution 2009R-240, declaring June 13, 2009, as a Day to Honor All Vietnam Era Veterans, was adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-240

By Samuels, Remington, Ostrow, Gordon, Hofstede, Johnson, Lilligren, Goodman, Glidden, Schiff, Benson, Colvin Roy and Hodges

Declaring June 13, 2009, as a Day to Honor All Vietnam Era Veterans.

Whereas, Minnesota service men and women left the comforts of home to answer our nation's call to duty during the Vietnam War; and

Whereas, these individuals served with honor and distinction and one thousand seventy-seven courageously gave their lives to protect the freedoms that we hold dear; and

Whereas, the citizens of Minneapolis are proud and grateful for the service, accomplishments and sacrifices of Vietnam Veterans; and

Whereas, it is appropriate and just to recognize the achievements of all our Minnesota Vietnam Veterans and thank them for their devotion to duty;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we declare June 13, 2009, as a Day to Honor all Vietnam Era Veterans.

Be It Further Resolved that Minneapolis, along with other cities and communities in Minnesota, joins in celebration of the brave men and women who served during the Vietnam War era.

Be It Further Resolved that we remember and honor the men and women who have served our country on this Memorial Day, 2009.

Adopted 5/22/2009.

Resolution 2009R-241, declaring Saturday, May 23, 2009, as Pedagogy and Theatre of the Oppressed Day in the City of Minneapolis, was adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-241

By Schiff, Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Remington, Benson, Colvin Roy, Hodges

Honoring Pedagogy and Theatre of the Oppressed.

Whereas, the 15th Annual International Pedagogy and Theatre of the Oppressed Conference is taking place at Augsburg College in Minneapolis on May 21st through the 24th and will focus on the work of educators, activists, and community organizers; and

Whereas, Pedagogy and Theatre of the Oppressed challenges oppressive systems by promoting critical thinking and social justice; and

Whereas, this conference is a gathering for people who believe in the power of art and education to be socially transformative; and

Whereas, this conference is based on the ideologies and works of Paulo Friere and Augusto Boal, who each used pedagogy and theatre to work with oppressed peoples of the world to develop critical literacies and actions to overcome social systems of oppression; and

Whereas, Augusto Boal passed away on May 2, 2009, leaving a rich legacy based in the radical popular education movement, developing theatre as a practical vehicle for grassroots activism; and

Whereas, a Legislative Theatre workshop led by Julian Boal, son of Augusto Boal, was held in the Minneapolis Council Chambers on May 20th in concert with members of the Minneapolis City Council, workshop participants, and Minneapolis residents;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That Saturday, May 23, 2009, be declared as Pedagogy and Theatre of the Oppressed Day in the City of Minneapolis.

Adopted 5/22/2009.

Resolution 2009R-242, honoring Central Weed and Seed, was adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-242

By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Benson, Colvin Roy and Hodges

Honoring Central Weed and Seed.

Whereas, Richard Green Central Weed & Seed was established in 1996 to serve a 24 block area in Central neighborhood, and expanded in 1999 to serve the entire Central neighborhood as Central Weed & Seed; and

Whereas, Central Weed and Seed is a resident driven, action oriented initiative, encouraging collaborative strategies that revitalize the Central neighborhood; and

Whereas, Central Weed and Seed has served a vital organizational role in the Central neighborhood, including during a time when the Central neighborhood had no recognized neighborhood organization; and

Whereas, Central Weed and Seed has leveraged substantial funding for the Central neighborhood, through grants for auto theft, Empowerment Zone funds, partnership with the James Ford Bell Foundation, and more; and

Whereas, Central Weed and Seed is proud to be the inspiration for the Shotspotter program in Minneapolis, by promoting and helping to fund the city's first gunfire detection system; and

Whereas, Central Weed and Seed has promoted community involvement and engagement through many community building activities including regular newsletters, the Southside Festival and Get out to Vote celebration, safety forums, town hall meetings, police/community engagement discussions, Community Beautification Awards, Clean Sweeps, and Volunteer Appreciation Events; and

Whereas, Central Weed and Seed has worked to engage youth in many unique ways, including through support of Bobby Brown Beyond the Court, Hosmer Library, and the STARS Theater program for which youth write and act in plays reflecting their true life experiences; and

Whereas, Central Weed and Seed has sought to positively influence the lives of adults returning to the community after serving time in prison by developing and implementing the Central neighborhood Reentry Panel Project Pilot; and

Whereas, Central Weed and Seed was selected as a Best Practices Site in 2007, one of only eight chosen nation-wide from a group of 330; and

Whereas, Central Weed and Seed has been privileged to have a dedicated and skilled director in Sheryl Kabat, a woman who truly believes in collaborative work and providing residents with the tools they need to be involved, empowered, and successful;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we honor and thank Central Weed and Seed, the hundreds of residents who volunteered, served in leadership positions, and were impacted by its programs, and its executive director Sheryl Kabat, for their contributions to the Central neighborhood and City of Minneapolis.

Adopted 5/22/2009.

UNFINISHED BUSINESS

Resolution 2009R-243, honoring the 2008-2009 State Champion South High Lady Tigers Basketball Team, was adopted 5/22/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-243

By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Benson, Remington, Colvin Roy and Hodges

Honoring the 2008-2009 State Champion South High Lady Tigers Basketball Team.

Whereas, Mariah Hedemark, Kaneesha Green, Tayler Hill, Jenny Houle, Tyisha Smith, Wanda Carter, Laura Thomas, Gabrielle Roberts, Ameshia Kearney, Sadiqah Jihad, Eva Mitchell, Jasimine Scott, Mallory Cramer and Avonna Sanders showed their commitment to excellence through hard work, practicing every school day to improve as individuals and as a team; and

Whereas, the Minneapolis South Girls Basketball team has established a tradition of excellence by wining five consecutive conference and section championships and the Twin Cities' Championship in 2006, 2008 and 2009; and

Whereas, Coach Ahmil Jihad and his staff worked tirelessly with their team to establish sound fundamentals, great teamwork, outstanding defense and an unstoppable offense; and

Whereas, the Minneapolis South Girls Basketball team was celebrated by many loyal fans, classmates and parents who enthusiastically cheered on their team throughout the season and at the State tournament; and

Whereas, the South Lady Tigers finished the season 31-2 and reached the state final with wins over Blaine 73-34 and Eastview 58-54; and

Whereas, the South Lady Tigers finished the regular season ranked No. 1 in the state, claimed the 4A State Girls Basketball Championship with an impressive win over a tough Centennial team 68-61, and made history as the first Minneapolis City Conference School to win a big-school girls' basketball title since the state tournament went to a four-class format in 1997;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Minneapolis City Council honors and congratulates the 2008-2009 Girls State Championship South Lady Tigers on their tremendous achievement and that Friday, April 24, 2009 be proclaimed "Minnesota 4A State Champions South Lady Tigers Day" in the City of Minneapolis.

Adopted 5/22/2009.

Resolution 2009R-244, honoring all-time leading scorer Tayler Hill, was adopted 5/25/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-244

By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Benson, Remington, Colvin Roy and Hodges

Honoring All-time Leading Scorer Tayler Hill.

Whereas, Tayler Hill has been a starter for the Minneapolis South Lady Tigers basketball team for five years; and

Whereas, Tayler Hill was named Minnesota Player of the Year for the second straight season and was named to the Associated Press All-state first team; and

Whereas, Tayler Hill tied a state girls tournament record with 47 points in the championship game against Centennial and set a tournament record with 106 points over three games; and

Whereas, Tayler Hill played in the McDonald's All-America game on April 1 and will make Minneapolis South and our City proud when she takes her talents to college in the fall of 2009; and

Whereas, Tayler Hill became the all-time leading scorer in the history of girls' basketball in Minnesota and compiled an amazing 3,694 points and an additional 106 points in the state tournament; and

Whereas, Tayler Hill's accomplishments were made possible by the support of her teammates, coaches, classmates, family and friends who all join in celebrating her remarkable accomplishments; Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Minneapolis City Council honors and congratulates Tayler Hill on her remarkable accomplishments and wishes her every success in the future.

Adopted 5/22/2009.

NEW BUSINESS

Goodman moved to introduce the subject matter of ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, for first reading and referral to the Zoning & Planning Committee (to allow medical and dental laboratories in the office residence zoning districts), as follows:

- a) Amending Chapter 536 related to Zoning Code: Specific Development Standards;
- b) Amending Chapter 547 related to Zoning Code: Office Residence Districts. Seconded. Adopted upon a voice vote 5/22/2009.

Benson moved passage of the accompanying resolution amending Resolution 2009R-090 entitled "Amending the 2009 General Appropriation Resolution by establishing revised 2009 appropriation levels for City Departments", passed March 12, 2009, by amending footnote "I" to change the date that the Civil Rights Department was directed to report back to the HE&E Committee with the Task Force recommendations on business lines and budget reductions from the June 1st Meeting to the July 6th Meeting.

RESOLUTION 2009R-245 By Benson

Amending Resolution 2009R-090 entitled "Amending the 2009 General Appropriation Resolution by establishing revised 2009 appropriation levels for City departments", passed March 12, 2009.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by amending footnote "I" to read as follows:

"I) Delete staff direction on page 4 of the Mayor's 2009 Supplemental Budget stating: "Civil Rights: The Mayor directs the department to report back to the Health, Energy, and Environment Committee with a transition plan no later than June 1, 2009." Add Staff Direction: Civil Rights: Staff is directed to work with community stakeholders, including the commission on Civil Rights, Council members and the Mayor's office, to form a task force to analyze the performance of all business lines and make recommendations for budget reductions. This analysis shall include examination of the State Department of Human Rights' capability to handle all or part of the complaint investigations unit, and the service impacts to all business lines of a potential cut of \$300,000 (cumulative from 2009 and 2010) to the Department's budget. The department is directed to report back to the Health, Energy, and Environment Committee with the task force recommendations no later than June 1, 2009 July 6, 2009."

Adopted 5/22/2009.

Johnson gave notice of intent to introduce at the next regular meeting of the City Council (1) an ordinance pursuant to Charter Chapter 2, Section 5B certifying that the City is not ready to implement Instant Runoff Voting for the 2009 election and including reasons why the City is not ready to implement that method; and (2) an ordinance pursuant to Minn. Stat. Sec. 205.065, Subd. 2, electing to choose nominees for municipal offices by a primary as provided in that section (in the event that the City needs to convert to a statutory primary and general election for 2009).

Lilligren moved to adjourn to Tuesday, June 2, 2009, at approximately 2:00 p.m. in the Council Chamber (following the Special Joint Community Development & Ways & Means/Budget Committee meeting) for the purpose of considering approval of the 2008 Consolidated Plan Amendment #3 re application for Community Development Block Grant funds made available under the American Recovery and Reinvestment Act of 2009.

Adopted upon a voice vote 5/22/2009.

Steven J. Ristuben, City Clerk.

Unofficial Posting: 5/27/2009 Official Posting: 5/29/2009 Corrections: 6/10/2009